

City of Alexandria, Virginia

MEMORANDUM

DATE: NOVEMBER 20, 2000
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: ADOPTION OF THE CITY'S LEGISLATIVE PACKAGE FOR THE 2001 GENERAL ASSEMBLY SESSION

ISSUE: Adoption of the City's Legislative Package for the 2001 General Assembly Session.

RECOMMENDATION: That City Council adopt items 1 through 26, below, as the positions in the City's Legislative Package for the 2001 General Assembly Session (note that items 23 through 26 have been added since the meeting at which the package was introduced).

RECOMMENDED 2001 LEGISLATIVE PACKAGE ITEMS

1. Notification Prior to the Sale of Historic Properties (Introduce legislation)

Introduce legislation to require any non-profit owner of an historic property to give notice to the local governing body, the local planning commission, and the State Department of Historic Resources at least 90 days before the property is sold.

2. Transportation Funding (Support legislation)

Support (1) a significant increase in State transportation funding through dedicated, stable, and permanent state revenue sources; (2) a significant increase in regional transportation funding through dedicated, stable, and permanent regional revenue sources; (3) enhanced regional transportation decision-making through a greater decentralization of planning and funding decisions (currently vested with the Commonwealth); and through the establishment of "one-stop shopping" for all State administrative decisions in Northern Virginia by the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation; and (4) immediate measures to fully fund current construction projects and service levels, such as the Monroe Avenue Bridge, and the Woodrow Wilson Bridge interchanges.

3. Education Funding (Support legislation)

Support (1) a significant increase in State educational funding so that the State fully funds its share of the actual costs of meeting the Standards of Quality (SOQ), based on prevailing practices among

local school divisions, which now exceed the SOQ; (2) increased, long-term State funding for school construction, renovation, debt service and technology; and (3) full State funding for the cost of competing.

4. Revenue Sharing (Support legislation)

Support the distribution of a portion of State income tax revenues to localities, using the distribution formula (the “50-40-10 Plan”) developed by the Virginia Municipal League and the Virginia Association of Counties.

5. Tax Credits for Student Technology Interns (Support legislation)

Support the passage of HB 859 and SB 574 (legislation that was carried over to the 2001 Session), which would authorize State tax credits to employers for: (1) wages they pay to student interns; and (2) information technology courses they provide to teachers or guidance counselors.

6. Revisions to the Red Light Camera Law (Support legislation)

Support legislation to amend the State’s red light camera law by (1) giving a locality’s contractor access to DMV records on behalf of the locality; (2) eliminating the requirement that a local government employee swear to or affirm any notice of violation before it is mailed to the vehicle owner (a redundant function already provided by the private vendor that processes the red light camera photographs and prepares the notices of violation); and (3) eliminating the statute’s sunset clause (the statute is scheduled to expire July 1, 2005).

7. Housing Assistance for Teachers and Other Local Employees (Introduce a study resolution)

Introduce a resolution asking the State Housing Study Commission to study the creation of a program to assist teachers with home purchases (through VHDA or some other entity) and report its recommendations to the 2002 General Assembly.

8. Immunity for Parents Who Take Babies to a Safe Haven (Introduce legislation)

Introduce legislation to give immunity from prosecution for child abandonment to parents who take their newborn children to an authorized “safe haven” area, such as a hospital.

9. Funding for Open Space (Introduce/Support legislation)

Introduce or support legislation that would authorize localities to increase the local recordation tax (with the increased revenue dedicated to the preservation of open space); and support budget amendments that would provide additional State funding to assist local governments in meeting their needs for additional open space.

10. Spot Blight Abatement (Introduce legislation)

Introduce legislation to amend § 36-49.1:1 of the Code of Virginia, so that localities may use spot blight abatement procedures within conservation and redevelopment areas.

11. Funding for the Renovation of Lloyd House (Introduce budget amendments)

Introduce budget amendments seeking an additional \$200,000 in State funding for the renovation of Lloyd House.

12. Funding for the State Guardianship Program (Introduce budget amendments)

Introduce budget amendments to provide full funding for the State Guardianship Program, so that it can serve all Virginians in need of public guardians.

13. Service of Protective Orders (Introduce a study resolution)

Request the State Crime Commission to study: (1) whether to extend the time for which preliminary protective orders are valid, and (2) whether to allow the service of final protective orders by mail when the respondent (i.e., alleged abuser) fails to appear at the hearing.

14. Making the 3rd Violation of a Protective Order a Felony (Introduce legislation)

Introduce legislation to make the third or subsequent violation of a protective order a Class 6 felony (this is now classified as a Class 1 misdemeanor).

15. Peer Review Immunity (Introduce legislation)

Introduce legislation to extend to Community Service Boards the same peer review protection that is already provided to hospitals (they are given immunity protection from civil suits for peer review activities; and their records pertaining to peer review activities are considered privileged communications, which ordinarily may not be disclosed or obtained by legal discovery proceedings).

16. Funding for Mental Health, Mental Retardation, and Substance Abuse Services (Support budget amendments)

Support the funding measures that have been proposed by the Virginia Association of Community Services Boards.

17. Issues Endorsed by the Alexandria Commission on Aging (Support legislation and budget amendments)

Support the legislative and funding measures that have been proposed by the Northern Virginia Aging Network (appropriating additional State funds for home and community-based care for the aging; increasing the availability of quality affordable assisted living for modest income residents; and increasing protection for vulnerable older adults).

18. State Earned Income Tax Credit (EITC) (Introduce legislation)

Introduce legislation to implement a refundable State EITC, equal to 10 percent of the federal EITC.

19. Transitional Assistance for TANF (Temporary Assistance to Needy Families) (Support legislation or budget amendments)

Support legislation or budget amendments to extend, from 12 months to 24 months, the time during which former TANF recipients are eligible for transitional benefits.

20. Revising Virginia's Hate Crimes Laws (Introduce legislation)

Amend Virginia's hate crime laws so that they cover crimes that are directed against individuals because of their gender, sexual orientation, or disabilities.

21. Virginia Housing Development Authority Loan Eligibility (Introduce legislation)

Introduce legislation to require the Virginia Housing Development Authority to give loans to unrelated individuals who wish to purchase a home and otherwise qualify for VHDA assistance.

22. Restoration of Voting Rights for Felons (Support legislation)

Support legislation to make further modifications to the process for restoring voting rights, so that more felons would have this right restored after they complete their prison sentences.

23. Funding for the Virginia Housing Partnership (Support legislation)

Support legislation proposing a constitutional amendment which would require that interest on the State's Revenue Stabilization Fund be deposited into the Virginia Housing Partnership Revolving Fund.

24. Use of TANF/MOE (Temporary Assistance to Needy Families/Maintenance of Effort) Funds for Rental Assistance (Support budget amendments)

Support the use of \$6.3 million in TANF/MOE funds to provide rental assistance to working poor families.

25. Funding for Healthy Families (Support budget amendment)

Support increased funding for Healthy Families programs statewide.

26. Issues Endorsed by the Alexandria Commission on Persons with Disabilities (Support legislation and budget amendments)

Support the legislative and funding measures that have been proposed by the Northern Virginia Disability Network (appropriate additional State funds for Disability Service Boards; adopt initiatives to address the need for barrier-free housing for persons with disabilities; and seek to enhance long-term community-based services and support for people with disabilities).

DISCUSSION: On October 24, staff presented to Council the City's 2001 Legislative Package proposals (Attachment 1). On November 18, Council held a public hearing on this Package. Since the Package was first presented, developments have occurred which have led staff to eliminate the following items from the list of recommended proposals:

- **Virginia Civil Rights Act:** the Human Rights Commission originally asked the City to support House Bill 1504, introduced in the 2000 Session, which would have created a Virginia Civil Rights Act; the patron of this legislation has chosen not to pursue the carryover bill in the 2001 Session, so the Commission is not asking the City to support the bill.
- **Recycling Ash from Waste-to-Energy Facilities:** Staff proposed that the City delegation introduce a resolution asking VDOT, in cooperation with interested local governments, to study the use of ash from waste-to-energy facilities in road building and highway construction. The Transportation Research Council (a division of VDOT) has now agreed to do this study, so General Assembly action (passage of a resolution) is not necessary at this time.
- **Fees for the Alexandria Alcohol Safety Action Program (AASAP).** Staff proposed that the City delegation introduce legislation to raise to \$375 or more the maximum fee that can be charged to participants in the AASAP (since 19 , \$300 has been the maximum that can be charged). Since this proposal was first discussed, the AASAP has initiated efforts to increase its staff (paying for the new staff with fee revenue), and use some of the new staff to increase the collection rate for overdue fee payments from program participants. Staff recommends that the proposed fee increase be deferred for this Session. If AASAP efforts to make the program self-sufficient (by collecting more overdue payments) are unsuccessful, staff will recommend that the City seek to raise these fees at a future General Assembly Session.

The following items have been proposed for incorporation into the legislative Package since the October 24 docket memorandum was prepared:

Virginia Housing Partnership Fund (Councilman Euille)

When the Legislative Package proposals were presented on October 24, Councilman Euille expressed concern that the Virginia Housing Partnership Fund has not received new State funding for several years and asked staff to find out if the Virginia Housing Coalition will be proposing legislation to address this issue during the 2001 Session.

The Coalition is supporting a constitutional amendment (House Joint Resolution No. 170, Attachment 2) proposed by Delegate Mitch Van Yahres in the 2000 Session and carried over to the 2001 Session. The amendment seeks to have interest on the State's Revenue Stabilization Fund deposited into the Virginia Housing Partnership Revolving Fund.

The Revenue Stabilization Fund (also called the Rainy Day Fund) was created as a result of a constitutional amendment passed in 1992. A portion of any State general fund balance is deposited in the Revenue Stabilization Fund at the end of each fiscal year; money can be transferred out of the Fund only to deal with unforeseen downturns in State revenues. The proposed constitutional amendment would not transfer money out of the Fund, but would redirect the Fund's interest earnings to the Virginia Housing Partnership Revolving .

Use of TANF/MOE (Temporary Assistance to Needy Families/Maintenance of Effort) Funds for Rental Assistance

The Virginia Coalition for the Homeless has proposed that the State use \$6.3 million in available TANF/MOE funds to provide rental assistance to working poor families statewide (Attachment 3). Federal law and regulations allow State TANF/MOE funds to be used to help provide such assistance (TANF funds are federal public assistance funds, and MOE funds are State Maintenance of Effort funds used to provide a required match for the TANF funds). Families receiving this assistance would be required to spend 30 percent of their income for rent, and the TANF/MOE funds would be used to pay the remainder of the cost. The Coalition for the Homeless estimates that over 2,000 families statewide could be assisted by this program. Staff is unable to estimate how many Alexandrians would be assisted by such a program.

Funding for Healthy Families

Healthy Families is an intensive home-visiting program that attempts to get first-time parents who are faced with very challenging circumstances (i.e., they have low incomes or other risk factors) off to a positive start with their first child. The Healthy Families Virginia network serves families in 80 communities throughout the Commonwealth, using State, local, and private funding. Healthy Families Alexandria serves over 250 families in the City.

State funding has not increased in proportion to the growth in the statewide Healthy Families program (State funding for the Alexandria program has not increased for the last two years, although City funding has increased).

Healthy Families is seeking additional State funding from the 2001 General Assembly so that it can continue offering services to at-risk families (Attachment 4).

Issues Endorsed by the Alexandria Commission on Persons with Disabilities (Support legislation and budget amendments)

The Alexandria Commission on Persons with Disabilities has asked Council to endorse the 2001 legislative platform of the Northern Virginia Disability Network (Attachment 5). The Commission is not asking that these be included as formal City positions in the Legislative Package, but would like to be able to testify in support of these issues during the 2001 Session of the General Assembly. Council has followed a similar process for this Commission and the Commission on Aging in the past. The support items are these:

1. Increase appropriations to Disability Services Boards for administrative expenses by \$450,000 to help fund professional staff for the Boards; and increase funding to the State Rehabilitative Services Incentive Fund for local rehabilitative services incentive funds by \$300,000.
2. Support the affordable housing needs of people with disabilities by:
 - supporting the establishment of an Interagency Council to Develop and Coordinate Housing Initiatives for People with Physical and Sensory Disabilities; and
 - requesting that the Virginia Housing Development Authority and the Virginia Department of Housing and Community Development jointly establish a registry on the number of barrier-free rental housing units available in Virginia.
3. Increase long-term, community-based services and support for people with disabilities by:
 - increasing funding to provide greater access to, and availability of, long-term services and supports; and
 - strengthen requirements for the State to develop a long-term care plan which identifies current capacity, waiting lists, estimated unmet needs, and projected needs for long-term services.

Staff does not believe any of these proposals will require City funding.

Notification Prior to the Sale of Historic Properties. Finally, at the November 18 public hearing, Councilman Euille noted that e-mail correspondence has been circulated (Attachment 6), proposing two changes to Legislative Package Item No. 1 – Notification Prior to the Sale of Historic Properties. As originally proposed, this legislation would require any non-profit owner of an historic property to give notice to the local governing body, the local planning commission, and the State Department of Historic Resources at least 90 days before the property is sold. The

e-mail correspondence recommended two changes to this proposal: (1) that the 90 day comment period be extended to 120 days; and (2) that a public hearing be required as a part of this process.

Staff does not object to changing the notice requirement from 90 to 120 days, but notes that the longer the notice period, the more likely that opposition to the legislative proposal will develop.

Staff does not recommend that a public hearing be required as a part of this notification process. Should a public hearing requirement be incorporated into the legislation, it would probably generate significant opposition from local governing bodies that would be required to hold such hearings.

Summary of Proposals

Attachment 7 consists of a chart summarizing all the proposals under consideration for the 2001 Legislative Package.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 - 2001 Legislative Package Proposals (Docket Item 17, October 24, 2000)

Attachment 2 - House Joint Resolution No. 170 (2000 Session)

Attachment 3 - Virginia Coalition for the Homeless, "Rental Housing Assistance Program Utilizing State TANF/MOE Funding"

Attachment 4 - Letter from Mary Agee, Executive Director, Northern Virginia Family Service, to Bernard Caton, re: Healthy Families

Attachment 5 - Letter from Barbara A. Gilley, Chair, Alexandria Commission on Persons with Disabilities, to the Honorable Mayor and Members of City Council, re: Northern Virginia Disability Network 2001 legislative platform

Attachment 6 – E-mail correspondence from Matthew Natale, re: Sale of Historic Properties

Attachment 7 - Summary Chart entitled "City of Alexandria 2001 Legislative Package Proposals" (revised November 20, 2000)

City of Alexandria, Virginia

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MEMORANDUM

DATE: OCTOBER 18, 2000
TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*
SUBJECT: RECEIPT OF PROPOSED CITY LEGISLATIVE PACKAGE FOR THE 2001
GENERAL ASSEMBLY SESSION

ISSUE: Receipt of proposed City legislative package for the 2001 General Assembly Session.

RECOMMENDATION: That City Council: (1) receive the proposals for the City's 2001 legislative package; (2) schedule the legislative package proposals for public hearing on Saturday, November 18; and (3) schedule adoption of the legislative package for Tuesday, November 28, following Council's work session with the General Assembly delegation.

DISCUSSION: Over the past several months, legislative and funding proposals for the City's 2001 legislative package have been submitted by Council Members, City departments, and Boards and Commissions. Twenty-five such proposals are described below for your consideration as 2001 legislative package proposals. Section 1 contains City Council's legislative proposals; Section 2 contains legislative proposals supported by City departments; and Section 3 includes proposals from City boards and commissions. All the proposals are also summarized in the chart entitled "City of Alexandria 2001 Legislative Package Proposals" (Attachment 1).

The 2001 General Assembly Session will be a "short" 46-day Session, beginning January 10, and ending February 24. On December 20, 2000, Governor Gilmore is expected to submit amendments to the State's current (FY 2001-2002) biennial budget to the General Assembly.

Legislative Director Bernard Caton will represent the City in Richmond again this year, and we will report to you regularly on the status of legislative and budget issues that arise during the 2001 General Assembly Session. As always, we expect many issues to arise which we cannot cover in this legislative package because it is too early to know the specifics of legislation or budget amendments that will be introduced.

1. Council Proposals

1.A. Notification Prior to the Sale of Historic Properties (Mayor Donley)

The Lee-Jackson Foundation, which is based in Charlottesville, has owned and operated the Robert E. Lee Boyhood home as a museum for 30 years. Last March, the Foundation announced that it had agreed to sell the house, at 607 Oronoco Street in Old Town, to new owners who planned to renovate and live in it. A number of City residents were concerned about the sale, which resulted in the discontinuation of the house as a museum (although the new owners have pledged to find ways to share the home with the public).

Some of those who were concerned about this matter believed that, had the Foundation's plans been made public prior to the sale, those interested in preserving it would have found a way to keep the building in the public trust. There is, however, no requirement that owners of such historic properties give any notification prior to their sale.

Mayor Donley has asked that the City request the General Assembly to enact legislation that would require any non-profit owner of an historic property to give notice to the local governing body, the local planning commission, and the State Department of Historic Resources at least 90 days before the property is sold.

1.B. Transportation Funding (Mayor Donley)

(Note: At the request of Mayor Donley and the other Mayors and Board Chairs from Northern Virginia, City staff has worked with other local governments to develop this draft of a regional position on transportation funding.)

Northern Virginia localities support a significant increase in State transportation funding through dedicated, stable, and permanent state revenue sources. In addition, Northern Virginia localities support a significant increase in regional transportation funding through dedicated, stable, and permanent regional revenue sources. Northern Virginia localities also support enhanced regional transportation decision-making through a greater decentralization of planning and funding decisions (currently vested with the Commonwealth); and through the establishment of "one-stop shopping" for all State administrative decisions in Northern Virginia by the Virginia Department of Transportation and the Virginia Department of Rail and Public Transportation. Finally, Northern Virginia localities support immediate measures to fully fund current construction projects and service levels.

The Transportation Coordinating Council (TCC), in its Northern Virginia 2020 Transportation Plan, has determined that approximately \$30 billion will be needed over the next twenty years to meet the transportation needs of the region. Approximately \$16 billion should be available to meet these needs, leaving a twenty-year deficit of approximately \$14 billion. The Commonwealth's recent submission of projected transportation revenues in the Washington Region's Constrained Long

Range Plan further exacerbated this deficit. In effect, these revenue projections delay to 2025 the completion of the 2010 transportation priorities, as adopted in the Northern Virginia 2020 Transportation Plan, and the remaining plan recommendations get further delayed beyond 2025. A failure to meet these long-term transportation needs will compromise the quality of life in Northern Virginia and cause a substantial, negative impact on the economy of the entire Commonwealth.

The TCC also expressed concern with current travel conditions, with nearly half of the region's major roadways severely congested. Continual investment in new highway, transit, and technology capacity is necessary simply to maintain current levels of mobility throughout the region. With recent and substantial increases in federal transportation assistance, and the issuance of more than \$800 million in local transportation bonds, immediate and increased State transportation funding is a logical and immediate priority.

Long-Term Funding. Northern Virginia localities support significant increases in both State and regional transportation funding, through dedicated, stable, and permanent revenue sources. Possible revenue sources include traditional user fees, such as gasoline taxes, motor vehicle fees, or truck registration and overweight fees, or more generalized revenue options such as sales or income taxes. Consideration of one or more of these options will be necessary to address the approximately \$14 billion regional transportation shortfall over the next twenty years.

Long-Term Organization. Northern Virginia localities support significant changes in the way transportation planning and funding decisions are made. Greater decentralization of planning and funding decisions and "one-stop shopping" for all state transportation administrative decisions would improve both the process and timeliness of major transportation decisions. In addition, these changes would more closely link transportation and land use decisions, one of the major goals of the Northern Virginia 2020 Transportation Plan. Finally, these changes must be accompanied by adequate resources to achieve these improvements.

Current Projects. Northern Virginia localities request clear, firm time lines and cost estimates for major regional projects. Completion of the following projects on time and within budget is essential to regional mobility, air quality, and related planning and funding decisions:

- Springfield Interchange
- Wilson Bridge (including full funding for the interchanges)
- Dulles Corridor Transit Project
- I-66/I-495 Access Ramps
- I-95/Route 1 Improvements
- All other Six Year Plan and Virginia Transportation Act projects previously authorized by the Commonwealth, such as the Monroe Avenue Bridge.

Transit Operations. Northern Virginia localities support significant increases in State assistance for transit systems and oppose proposed changes to the current method of distributing State transit assistance. While the Virginia Code calls for the Commonwealth to reimburse localities for up to 95 percent of certain transit costs, actual reimbursements have fallen closer to 47 percent. Passenger

fares and local revenues are used to make up the difference between these two amounts. In addition, the Virginia Department of Rail and Public Transportation (VDRPT) has proposed revisions to the current reimbursement formula for transit operations (these were included in House Document 52, a report from VDRPT to the 2000 General Assembly that reviewed state funding formulas for financial assistance to mass transit). These revisions would further reduce both the percentage and amounts of transit operating assistance available to Northern Virginia. With over 70 percent of all statewide transit ridership in Northern Virginia, it simply makes no sense to reduce transit operating assistance to the most congested region of the Commonwealth.

Northern Virginia Transportation District Bond Program. Northern Virginia localities support the expansion of the existing Northern Virginia Transportation District Bond program (which has helped pay for Metro capital improvements), using State general funds and other dedicated revenue sources. Northern Virginia localities also support full utilization of the existing right-of-way user fees (fees that are paid to localities or the State by telecommunication companies for the use of rights-of-way; the telecommunication companies in turn bill their customers for these fees) authorized by the General Assembly to support additional debt authorization and issuance for specific projects in Prince William, Loudoun, and Fairfax Counties.

1.C. Education Funding (Mayor Donley)

(Note: At the request of Mayor Donley and the other Mayors and Board Chairs from Northern Virginia, City staff has worked with other local governments to develop this draft of a regional position on education funding.)

*Northern Virginia localities support a significant increase in State educational funding so that the State fully funds its share of the **actual** costs of meeting the Standards of Quality (SOQ), based on prevailing practices among local school divisions, which now exceed the SOQ. In addition, the State should provide increased, long-term funding for school construction, renovation, debt service and technology. Finally, the State should fully fund the cost of competing factor to address the high personnel costs in the competitive Northern Virginia regional job market.*

The State Constitution requires the Commonwealth to provide “an educational program of high quality” and directs the State Board of Education and the General Assembly to accomplish this by prescribing a series of standards. The General Assembly is responsible for apportioning the cost of meeting the SOQ between the State and local governments. Northern Virginia localities believe that the General Assembly should recognize that local governments traditionally have funded not only their share of SOQ costs, but also the cost of many of the education programs needed to provide a quality education.

Local governments throughout the Commonwealth currently pay a disproportionate share of the costs for the instructional and support staff necessary to meet the SOQ. The State’s share of SOQ funding is inadequate for both the number and type of staff necessary to meet the SOQ; in addition, the State

does not recognize the true salary costs for instructional and support personnel essential to the SOQ and to educating students in an increasingly diverse and sophisticated high tech global community.

The disproportionate local funding share for the SOQ is particularly evident for Northern Virginia localities, where the overall local operating expenditures for education in FY 2000 exceeded that required by the State by over \$852 million. This does not include capital costs, which are borne primarily by localities (although in recent years the State has provided some assistance in the form of school construction grants and lottery proceeds). The following further illustrates several areas of State funding shortfalls from the Northern Virginia perspective.

Instructional Staffing Costs. Both the methodology used by the State to calculate State salary reimbursement levels and the lack of State recognition of prevailing instructional staffing levels result in insufficient State funding for Northern Virginia school division. The State overlooks current practice by "requiring" in the Standards a number of instructional personnel per 1000 students which already is exceeded by every local school division (in FY 1997 the State funded 67 instructional personnel per 1000 students, while the actual number of positions employed in school divisions averaged 84 instructional personnel per 1000 students).

For example, teacher positions that are funded entirely with local money comprise as much as one-third of the instructional staff in certain Northern Virginia localities, and represent 22 percent of the instructional staff of the region. In FY 1998, Northern Virginia school divisions employed nearly 20,000 individuals as instructional staff, and over 4,300 of these were funded totally by local money.

The Virginia General Assembly's Joint Legislative Audit and Review Commission (JLARC) has begun to review the current State and local funding of the SOQ, as well as funding that exceeds the required local match to fund the SOQ. Northern Virginia localities support the JLARC study, and believe that it will show that the State must provide additional funding for basic instructional positions in school systems throughout the State.

School Construction, School Renovation, and Technology. Northern Virginia localities, like their counterparts throughout the State, have tremendous capital needs for their school systems (school construction, school renovation, debt service, and technology). A 1996 school facility survey conducted by the State Department of Education indicated that Virginia's school divisions faced a \$2.2 billion shortfall in funds to meet maintenance and capital improvement needs (the Alexandria Schools staff has estimated that the Schools' capital funding needs through 2010 may be as high as \$110 million). Following up with site visits, however, the Department of Education concluded that true capital needs statewide could be much higher than this. This survey did not consider technology needs, which also require significant amounts of new funds. In recent years, the State has earmarked some of the State Lottery proceeds to provide funds for school construction and renovation. While this initiative has been helpful, documented local needs far exceed available funding.

The Cost-of-Competing. A situation unique to Northern Virginia pertains to the higher salaries (considerably more than any other area of the State) that the region must pay for instructional and

support staff because of the area's highly competitive regional job market. Because of this, a cost-of-competing factor for Northern Virginia school divisions was established by JLARC in 1988 and adopted by the General Assembly in 1989. This resulted in increased funding to the region to help it pay competitive salaries; at the same time, the General Assembly equalized all non-SOQ accounts, which reduced education funding, particularly to Northern Virginia. In response to State revenue shortfalls during the early nineties, the State cut funding for the cost-of-competing. While the General Assembly has restored a portion of this funding -- and the region is appreciative of this -- the State does not now fully fund the cost-of-competing factor. Northern Virginia localities request full funding for the cost-of-competing by the 2001 General Assembly.

Special Education Funding. Northern Virginia localities have large numbers of students receiving special education. The proportion of special education students for each Northern Virginia locality ranges from 12.1 to 17.1 percent. These students require much more intensive help than other students to allow them to succeed and prosper -- and more intensive help means more teachers. While the State provides some additional funding for this purpose, it is not sufficient to meet these students' basic needs.

English as a Second Language (ESL). A final situation that increases the local burden for education costs in Northern Virginia is the large number of ESL students in the region's school population. In Arlington, nearly one in four students in the past school year were in the ESL category, and in Alexandria, almost one in seven students were in ESL programs. In Fairfax County, the City of Fairfax, and Falls Church, approximately 7 to 8 percent of the students were ESL, with somewhat lower proportions in the outlying Northern Virginia localities. The number of students for whom English is not their native language continues to grow in Northern Virginia. Similar to students receiving special education, ESL students require much more intensive help than other students to allow them to succeed -- and again, more teachers are necessary to provide this help. We believe that the State should provide additional ESL funding, and we recommend that this issue be considered as part of JLARC's SOQ study.

1.D. Revenue Sharing (Mayor Donley)

In response to concerns voiced by a number of localities about their inability to meet revenue needs within the existing tax structure, the 1999 General Assembly created the Commission on Virginia's State and Local Tax Structure for the 21st Century. Among the issues being reviewed by the Commission, which is scheduled to finalize its recommendations prior to the next General Assembly Session, is the distribution of a portion of State income tax revenues to localities.

The Virginia Municipal League (VML) and the Virginia Association of Counties (VACO) have retained a consultant to analyze methods for distributing a portion of the revenues from the State income tax to localities, should the General Assembly approve such a plan. They also asked the consultant to ensure as much as possible that any distribution method is fair and maximizes revenues for the largest number of localities. The consultant has developed a distribution plan and formula

(Attachment 2) that takes the total state revenue to be distributed, and awards it to Virginia's localities as follows:

- 50 percent of it is distributed among localities based on the relative share of the total state income tax paid by each locality's residents (i.e., where the taxpayer lives);
- 40 percent of it is distributed among localities based on where the income was earned (i.e., where the taxpayer works); and
- 10 percent of the total revenue is divided up equally among Virginia's 135 cities and counties.

It is unlikely that State funding is available for the General Assembly to implement this plan now, but proponents of State revenue sharing are hopeful that it can be implemented, or phased in, at some future date. Under the proposal, which assumes the distribution of \$800 million, Alexandria would receive \$22.7 million.

Both VML and VACO plan to vote on the proposed distribution plan at their annual meetings (the VML meeting will be held October 22-24, and the VACO meeting will be held in mid-November).

Mayor Donley has asked that the City support this proposal as part of its legislative package.

1.E. Tax Credits for Student Technology Interns (Mayor Donley)

Legislation was introduced in the 2000 Session to give State tax credits to employers for up to 50 percent of the wages they pay to student interns (not to exceed \$2,000 per intern). Total tax credits available for the program would be limited to \$2 million per year. The legislation would also give businesses a tax credit of up to \$1,000 for each teacher or guidance counselor that the business provides with an information technology course (so long as the business does not charge for the course). Total tax credits for this part of the legislation would be limited to \$500,000 annually.

This legislation (HB 859 and SB 574, identical bills) was not passed, but was carried over to the 2001 Session. The Northern Virginia Regional Partnership (a public-private entity that works with the technology community to improve the region's technology workforce), of which the City is a member, has endorsed passage of this legislation, which it believes will encourage information technology businesses to hire students and give them relevant job experience (Attachment 3). Mayor Donley is a member of the Partnership's Board of Directors, as well as its Executive Committee. The Northern Virginia Technology Council has also endorsed this proposal.

1.F. Revisions to the Red Light Camera Law (Mayor Donley)

Alexandria initiated a pilot red light camera enforcement program in 1997 to reduce the number of red light violations. Under this program, a private vendor under contract with the City rotates a

camera among three intersections (Patrick and Gibbon, Duke and Walker, and Seminary and Nottingham) and photographs motor vehicles that run the intersections' red lights. The vehicle's owners are then identified, using Virginia Department of Motor Vehicle (DMV) records, and each owner is sent a notice of violation and is required to pay a \$50 fine. Under the State law, no points are assessed against a vehicle owner's driving record. This program has been effective in helping to reduce red light violations in the City.

In 1999, the City asked the General Assembly to make changes to improve the current State law:

- The current statute prohibits a locality's contractor from obtaining DMV records, although vendors can obtain DMV information for other purposes (e.g., implementing the Personal Property Tax Relief [Car Tax] Act of 1998, or issuing parking tickets). As a result, the red light camera vendor compiles a list of violators' license plate numbers, which the vendor forwards to the local police department; the police department then forwards the list to DMV. The City sought to give a locality's contractor access to DMV records on behalf of the locality.
- The law also requires that a local government employee swear to or affirm any notice of violation before it is mailed to the vehicle owner, a redundant function already provided by the private vendor that processes the red light camera photographs and prepares the notices of violation. The City asked to have this requirement eliminated.

The General Assembly did not make either of these changes.

In the 2000 Session, a number of localities that do not have red light camera authority sought it.¹ Although this proposal was approved by the General Assembly, it was vetoed by Governor Gilmore.

At the request of Mayor Donley and other local government officials, the Virginia Municipal League's (VML) Legislative Committee has recommended that VML seek to have the 2001 General Assembly make these changes to the law (giving a locality's contractor access to DMV records, eliminating the requirement that a local government employee swear to or affirm any notice of violation, and extending red light camera authority to all Virginia localities). In addition, VML is seeking to have the statute's sunset clause repealed (the statute is scheduled to expire July 1, 2005).

Mayor Donley has asked that the City support this proposal in its Legislative Package.

¹The following localities are authorized to operate red light camera programs: the cities of Alexandria, Fairfax, Falls Church, Richmond, and Virginia Beach, and the counties of Arlington, Fairfax, and Loudoun.

1.G. Housing Assistance for Teachers and Other Local Employees (Mayor Donley and Councilwoman Eberwein)

At the September 12 Council meeting, Councilwoman Eberwein asked the City Manager to prepare a report which would consider extending the current home ownership assistance program for police to City teachers. Councilwoman Eberwein was seeking to help alleviate a projected shortage of teachers in future years.

Mayor Donley recommended that the City consider another approach to addressing this problem. He suggested that the City as part of its 2001 Legislative Package, seek to use Virginia Housing Development Authority (VHDA) financing to lower the interest rates for teachers. Several years ago, VHDA offered such a program for law enforcement officers. In this case, the low-interest loans were given to law enforcement officers who bought homes in neighborhoods that localities had determined would benefit from a greater police presence.

Staff has contacted VHDA to see if there is funding available for such a program. VHDA staff replied that it discontinued the program for law enforcement officers, and that it has no funding to reestablish it for teachers or other public employees. Since VHDA has no funding for this program, the General Assembly would have to appropriate general funds to VHDA to initiate the program.

Council may wish to consider asking the State Housing Study Commission to study the creation of a program to assist teachers with home purchases (through VHDA or some other entity) and report its recommendations to the 2002 General Assembly.

1.H. Immunity for Parents Who Take Babies to a Safe Haven (Mayor Donley)

Among the saddest of newspaper stories is that of the newborn infant who is abandoned in a public restroom or left to die in a garbage dumpster. This sometimes happens because a new mother does not have the resources or ability to care for the child and does not know where to turn.

In recent years a number of states have offered mothers an alternative to abandoning the child by passing Safe Havens Acts. Under this legislation, parents who take their newborn children to a "safe haven" area, such as a hospital, will be given immunity from prosecution for abandoning the child. Mayor Donley has asked that the City support such legislation in the 2001 Session.

2. City Department Proposals

2.A. Funding for Open Space

Alexandria is a relatively small, but very densely populated, City. Residents of the City value park land and other open space. At the City's 1998 Environmental Summit, open space was identified as one of the top three environmental quality of life issues.

Real estate in Alexandria is very expensive, and land available to purchase or preserve as open space is scarce. The City would like to enhance its efforts at preserving and providing open space to its residents, but is inhibited from doing this by a shortage of funds for this purpose.

Efforts have been made at recent General Assembly Sessions to provide additional State funding for preservation of open space. In the 2000 Session, legislation that was introduced but defeated would have authorized localities to increase the local recordation tax (paid when real estate is transferred from one owner to another) and use the new revenues for open space or other purposes. The 2000 General Assembly did increase funding for the Virginia Land Conservation Fund, which can be used to acquire land, easements, and development rights so that open space can be preserved. Although local governments can apply for money from this Fund, none of it is earmarked for them.

Staff recommends that the General Assembly continue to seek additional funding for local governments' open space needs.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to seek: (1) authority for localities to increase the local recordation tax (with the increased revenue dedicated to the preservation of open space); or (2) additional State funding to assist local governments in meeting their needs for additional open space.

2.B. Spot Blight Abatement

Most property owners maintain their property and keep it in good repair. Those who fail to do so lessen the value of their property and at times risk their own safety, as well as the safety of others (e.g., a fire fighter who is injured when responding to a fire within a property in disrepair). In addition, a property that is deteriorated (a blighted property) lowers the quality of life for the entire neighborhood in which it is located.

In 1964, the General Assembly first gave local governments authority to deal with blighted properties by allowing them to create "conservation and redevelopment areas" where significant deterioration was occurring. Using eminent domain authority, local governments can acquire and repair blighted properties in these areas. The City currently has 3 conservation and redevelopment areas. They cover a portion of Potomac West, a part of the Inner City, and a portion of the Southwest Quadrant near the Lee Center.

In 1994, the General Assembly passed legislation to allow local authorities to deal with blighted property outside conservation and redevelopment areas. This statute (§ 36-49.1:1 of the Code of Virginia) does not require the locality to acquire the property, but allows it to make repairs to the property if the owner fails to do so, and to bill the owner or put a lien on the property if the owner fails to pay for the repairs.

City staff believes that this authority would be helpful to have within conservation and redevelopment areas, so that the City could address a blight situation without necessarily acquiring the property.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce legislation to amend § 36-49.1:1 of the Code of Virginia, so that localities may use spot blight abatement procedures within conservation and redevelopment areas.

2.C. Fees for the Alexandria Alcohol Safety Action program

The Alexandria Alcohol Safety Action Program (AASAP) provides intervention, probation, and case management services to persons convicted of Driving Under the Influence (DUI) or other alcohol or drug offenses. The program, established in the City in 1986, is designed so that it is financed entirely from fees paid by those who participate in the program (participants are referred to the program by the courts after being arrested for DUI).

During FY 1998, 518 individuals participated in the AASAP. The program is staffed by 3 individuals (with a fourth staff person recently authorized), and has a budget of approximately \$186,000 for FY 2001. Participant fees were sufficient to support the program in FY 2000 only because the State waived remittance by the City of the State's portion of the fee; this State portion that is normally used to support the State Alcohol Safety Action Program. Staff believes that AASAP costs will continue to grow, and are likely exceed revenues in future years.

The General Assembly set the maximum fee for local Alcohol Safety Action Programs at \$300 approximately 15 years ago (§18.2-271.1.B of the Code of Virginia). If the fee were increased to \$375, staff believes that the program would remain self-sufficient for at least several additional years.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce legislation to raise to \$375 or more the maximum fee that can be charged to participants in the AASAP.

2.D. Funding for the Renovation of Lloyd House

Lloyd House, an historic structure built in 1795 at the corner of Washington and Queen Streets, was used in recent years to house the Special Collections of the Alexandria Library. When the new Charles E. Beatley, Jr. Library opened earlier this year, these collections were moved to the Kate Waller Barrett Branch on Queen Street. The City plans to renovate Lloyd House, and has begun the studies that must be completed before any renovations can be undertaken.

In the 1999 and 2000 Sessions, the City's legislative delegation was successful in having \$60,000 in State funds appropriated to assist with the renovations. These funds are being used to support some of the renovation studies that are being done for the project. While staff is unsure about the

total cost of the renovations (part of the purpose of the ongoing studies is to project this cost), they will be significant (they could be in excess of \$1 million). Because of the historic nature of the facility, the City is asking the State to contribute an additional \$200,000 toward this project.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce budget amendments seeking an additional \$200,000 in State funding for the renovation of Lloyd House.

2.E. Funding for the State Guardianship Program

Some individuals, especially those who are aging, are unable to manage their finances and personal affairs. In most cases, relatives of these individuals are appointed as guardians and act on their behalf. In some instances, there are no relatives, and a public guardian must serve this purpose.

The Virginia Department for the Aging, which oversees the State Guardianship Program, reports that the Statewide cost for each guardian case is approximately \$2,300 per year. The Department estimates that there are between 1,800 and 2,300 individuals statewide in need of public guardians.

The State currently appropriates \$500,000 annually for the State Guardianship Program. The Personal Support Network, a Northern Virginia non-profit, received funding from the State this year to cover 20 guardianships throughout Northern Virginia. Senior Services of Alexandria applied for, but was not awarded, funds for a City program.

Staff recommends that the State fully fund this program at a projected cost of \$4.14 million (statewide) annually. The Community Services Board supports this proposal.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to seek full funding for the State Guardianship Program, so that it can serve all Virginians in need of public guardians.

2.F. Service of Protective Orders

Protective Orders are used in cases of domestic violence to limit contact between the parties involved in the abuse, and all are aimed at protecting the health and safety of a person being abused. State law currently allows three types of protective orders to be issued in cases of domestic violence. An *emergency protective order* is issued by a magistrate or a judge whenever a law enforcement officer or an allegedly abused person asserts under oath that another individual has committed family abuse and is likely to do so again (and the judge or magistrate has reasonable grounds to believe the assertion). An emergency protective order usually expires 72 hours after it is issued.

A *preliminary protective order* may be issued by a judge, again on assertion of family abuse, without the party being accused of the abuse present; a preliminary protective order generally replaces an emergency protective order. A court hearing on the order, in the presence of the accused, must be

held within 15 days of the issuance of the preliminary order. A final *protective order* lasting for up to a year may be issued following the court hearing.

The Alexandria Police Department, which has a strong domestic violence prevention and response program, has identified the following shortcomings in state laws governing the issuance of protective orders:

- A preliminary protective order is valid for only 15 days after issuance and must be personally served on the alleged abuser before it becomes effective. In many cases, the police (or sheriff) are unable to locate the alleged abuser in 15 days (this becomes especially difficult in this area, where a person can move not only between cities and counties, but between states and the District of Columbia). The Police Department would like to extend the period of time for which a preliminary protective order is valid for service to 90 days (personal service would still be required). Making such a change in the law would also necessitate revisions to current court processes with regard to protective orders. Because these changes must be carefully coordinated, staff recommends that the State Crime Commission (a legislative body) study this issue and recommend appropriate legislation to the 2002 Session. City staff would participate in such a study.
- A final protective order, as noted above, is issued following a court hearing. An alleged abuser is given personal notice of this hearing. A final protective order must also be personally served on the alleged abuser. An alleged abuser can avoid service of a final protective order by failing to appear at the hearing. The Police Department would like to be able to serve a final protective order by mail in cases where the alleged abuser has been given personal notice of, but failed to appear for, a hearing. Staff recommends that this issue be incorporated into the same study.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to request the State Crime Commission to study: (1) whether to extend the time for which preliminary protective orders are valid, and (2) whether to allow the service of final protective orders by mail when the respondent (i.e., alleged abuser) fails to appear at the hearing.

2.G. Making the 3rd Violation of a Protective Order a Felony

An individual who violates a protective order (e.g. a person who makes contact with another after being prohibited from doing so by a protective order) is guilty of a Class 1 misdemeanor. Some individuals violate these orders several times or more. Staff believes that it would be appropriate to make individuals who are convicted of a third or subsequent violation of a protective order guilty of a Class 6 felony. Similar legislation was introduced, but not passed, by the 1998 General Assembly.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce legislation to make the third or subsequent violation of a protective order a Class 6 felony.

2.H. Recycling Ash from Waste-to-Energy Facilities (Study)

The Alexandria-Arlington Waste-to-Energy facility (located on Eisenhower Avenue) burns over 335,000 tons of solid waste per year, and produces sufficient electricity to power about 23,000 homes. As a by-product of this process, the facility produces ash which is now sent to a Fairfax County landfill. Fairfax County also has a waste-to-energy facility; it processes over one million tons of solid waste annually, and sends its ash to the same landfill. Since landfill space is limited, alternative uses of the ash should be studied.

In a number of areas of the United States and Europe, the ash from waste-to-energy facilities is recycled into paving material, highway sound barriers, concrete, or road base materials. In the Washington-Baltimore region there are four major waste-to-energy facilities that could provide ash for recycling. Several others exist in downstate Virginia.

In order for such ash recycling to occur, there needs to be market demand and governmental standards which permit ash to be used in paving, highway construction or other related areas. Before any private or public sector investments in a facility to convert ash to other uses can occur, the Virginia Department of Transportation (VDOT) must set standards for, and approve the use of, ash for road building or paving material.

City staff recommends that the General Assembly ask VDOT, in cooperation with interested local governments, to study the use of ash from waste-to-energy facilities as road building material.

RECOMMENDATION: That the Council ask the City's General Assembly delegation to introduce legislation to ask VDOT, in cooperation with interested local governments, to study: (1) the use of ash from waste-to-energy facilities as road building material; and (2) standards that should be set for the use of the ash if it can be incorporated into road building material.

3. Proposals from City Boards and Commissions

3.A. Peer Review Immunity (Community Services Board)

Peer review in the health care industry refers to a process by which professional health care providers examine patterns of care and outcomes to identify high risk procedures, bad outcomes, and practices which are less than optimal. It involves a critical examination of patient care and may call into question care decisions made by others. This information is used to develop changes in procedures and training. Once the changes are implemented, the results are monitored to see if the changes produce the desired affects. Hospitals using peer review, for instance, may look for patterns of cases which result in the presence of infections following surgery. Mental health officials might use peer review to examine suicides or attempted suicides to see if things that were or were not done would likely have prevented the suicide (or attempt).

When the medical community began using peer review to improve the quality of its care, it discovered that hospitals were unwilling to expose possible errors or poor practices for fear that such exposure would be damaging to their reputations or leave them open to malpractice suits. The medical community had State legislation enacted to do two things: (1) give hospitals immunity protection from civil suits for peer review activities; and (2) make records pertaining to peer review activities privileged communications which ordinarily may not be disclosed or obtained by legal discovery proceedings.

In recent years, the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services has required local CSBs to implement quality assurance processes, which normally include peer review activities. While CSBs support the value of peer review, they have the same concerns that led hospitals to seek legislation giving them immunity for peer review activities, and treating peer review records as privileged communications. The Alexandria Community Services Board recommends that CSBs be granted the same peer review protection that is already extended by the Code of Virginia to hospitals.

3.B. Funding for Mental Health, Mental Retardation, and Substance Abuse Services (Community Services Board)

There are many Virginians who need, but do not receive, mental health, mental retardation, and substance abuse services. There are others who receive these services, but not at a level that is adequate to fully meet their needs. While State funding to pay for these services has increased in recent years, additional funding is still needed.

The Alexandria Community Services Board has asked Council to endorse a series of funding measures (Attachment 4) that have been proposed by the Virginia Association of Community Services Boards (VACSB). The Board is not asking that these be included as formal City positions in the legislative package, but would like to be able to testify in support of these proposals during the 2001 Session of the General Assembly.² Council has followed a similar process since 1997 for proposals endorsed by the Alexandria Commission on Aging. The funding items, totaling \$47.7 million, are these:

- \$9.4 million to provide additional psychiatric services for people in need of mental health services;
- \$26 million to provide residential placement and day support for 750 persons in need of mental retardation services;

²Section 2-4-5 (d) of the City Code requires committees, boards and commissions to receive the approval of Council before they submit written or oral testimony to any federal or state legislative body or regulatory agency.

- \$9.9 million to serve over 2,100 people with severe substance abuse service needs (including 730 individuals who have been released from State facilities and need these services to remain in their communities);
- \$2 million to fund additional child psychiatric services for children;
- \$500,000 to implement the Strengthening Families Program (a national bench mark program effective in strengthening families and preventing substance abuse, teen violence, and family deterioration) in 5 Virginia localities.

The VACSB has not proposed that localities be required to provide additional match for these programs (most localities, like Alexandria, already provide significant local funding to their CSB programs). Some of the proposals could result in revenue increases for City programs.

3.C. Issues Endorsed by the Alexandria Commission on Aging

The Alexandria Commission on Aging has asked Council to endorse a series of legislative and funding measures that have been proposed by the Northern Virginia Aging Network (Attachment 5). The Commission is not asking that these be included as formal City positions in the legislative package, but would like to be able to testify in support of these issues during the 2001 Session of the General Assembly. Council has followed a similar process since 1997 (authorizing the Commission to support the Northern Virginia Aging Network platform). The support items are these:

1. Appropriating additional State funds for home and community-based care for the aging, so that older Virginians can remain in the homes of their own choice and function effectively for as long as possible. This money will be used:
 - to fund unmet needs for home and community-based care;
 - to help support low-cost home modification programs; and
 - to expand throughout the Commonwealth the Alzheimer's Association HelpLine counseling and referral services.
2. Increasing the availability of quality affordable assisted living for modest income residents by:
 - appropriating additional funds for the Auxiliary Grant program;
 - attempting to restore the Intensive Assisted Living Medicaid waiver, more effectively monitoring assisted living facilities, and providing sufficient funding for intensive assisted living care; and
 - providing funds to the Virginia Department of Social Services to train new assisted living facility owners and operators.
3. Protecting vulnerable older adults by:
 - providing full funding for local Long Term Care Ombudsman Programs;

- providing additional funding for (a) the Department of Social Services Adult Protective Services program, (b) the Department for the Aging's Public Guardianship Program, and (c) pilot money management programs; and
- providing support for programs to inform older persons about their insurance options and resolve Medicare and related insurance issues.

If any City funds would be required as match for these programs, they would be minimal and could be absorbed within the City budget. In addition, some of the proposals could result in revenue increases for City programs. Staff does not believe any of these proposals will have a detrimental effect on the City.

3.D. State Earned Income Tax Credit (Economic Opportunities Commission and Social Services Advisory Board)

Nearly every year since at least 1994 (the earliest year for the computerized legislative data base), legislation has been introduced in the General Assembly to create a State Earned Income Tax Credit (EITC). An EITC is a special credit for low-income working persons. A federal EITC already exists. Under the federal program, a taxpayer with more than one child qualifies for the credit if the individual's earned income (e.g., wages and salaries) does not exceed \$30,580 a year.³

Most of the past EITC proposals sought to give a Virginia tax credit equal to 10 percent of the credit awarded the taxpayer under the federal program. Until 1998, all the proposals were defeated. That year, legislation was passed to create a tax credit equal to the greater of: (1) 75 percent of the taxpayer's federal earned income credit, or (2) \$300 per child under 18 living at home. The credit was also limited to the taxpayer's tax liability (under the federal program, recipients of EITC recipients are sent a check for the difference if their EITC credit exceeds their tax liability). Funding for this program was to be provided by the State as a part of Virginia's maintenance of effort required under the federal TANF (Temporary Assistance to Needy Families) program, subject to federal approval of the concept. When the federal government reviewed this legislation, it agreed that TANF funds could be used for this purpose, but only for tax year 1998.⁴

As part of its 2000 Legislative Package, the City proposed State EITC legislation that, like the federal version, would have been refundable (the taxpayer would have received a check from the State if his credit exceed his tax liability). This legislation was defeated by the General Assembly, which instead enacted a bill that give a State tax credit of up to \$300 annually to taxpayers whose family income does not exceed federal poverty limits. This credit is non-refundable (if it exceeds the person's tax liability, the State does not send him a check for the difference).

³This is the maximum income eligibility for tax year 1999.

⁴ Because the program did not meet all the requirements of an "expenditure" under TANF regulations, the federal government said that it could not permanently certify the program.

The Alexandria Economic Opportunities Commission and Social Services Advisory Board recommend that the City again support legislation to implement a refundable State EITC, equal to 10 percent of the federal EITC.

A 1999 study by the Center on Budget and Policy Priorities (CBPP), a non-profit institute that conducts studies on issues that affect low and middle-income households, found that 12 states at that time offered a State Earned Income Tax Credit.⁵ The annual cost of these programs ranged from \$12 million in Vermont to \$291 million in New York. The CBPP estimated that if Virginia created a refundable State Earned Income Tax Credit giving families a state credit equal to 10 percent of the credit they receive under the federal program, it would cost the State \$62 million annually. CBPP provided data to City staff which shows that approximately 11 percent of City residents who file federal tax returns receive the federal Earned Income Tax Credit, and would thus be eligible under a State program which is based on the federal one.

3.E. Transitional Assistance for TANF (Temporary Assistance to Needy Families) Recipients (Economic Opportunities Commission and Social Services Advisory Board)

One of the regulations of the State TANF (public assistance) program allows localities to give medical assistance (Medicaid), child care subsidies, and transportation assistance to individuals for no more than 12 months after they have begun working and stopped receiving TANF assistance. Many individuals are not making salaries sufficient to cover their medical, child care and transportation costs within a year after they have left welfare. Extending their subsidy eligibility for an additional year (for a total of two years) would help ensure their ability to stay employed, improve their wage rates, and make progress toward becoming totally self-supporting. Such an extension could benefit approximately 100 Alexandria families during FY 2001. During the 2000 Session, the City, as well as other localities throughout the State, sought to have transitional benefits for TANF recipients extended from 12 to 24 months. The General Assembly did not approve this proposal.

The Economic Opportunities Commission and the Social Services Advisory Board have recommended that the City again support extending, from 12 months to 24 months, the time during which former TANF recipients are eligible for transitional benefits.

3.F. Revising Virginia's Hate Crimes Laws (Human Rights Commission)

Virginia law currently classifies the damaging of another's property as a crime, and increases the severity of the penalty if the action is motivated by religious, racial, or ethnic animosity (Code of Virginia, §18.2-121). In past Sessions of the General Assembly, bills have been introduced to extend the provisions of these statutes to cover crimes that are directed against individuals because of their

⁵Nicholas Johnson, Center on Budget and Policy Priorities (Washington, D.C.), *A Hand Up, How State Earned Income Tax Credits Help Working Families Escape Poverty*, 1999 Edition. The 12 states are Colorado, Indiana, Iowa, Kansas, Maryland, Massachusetts, Minnesota, New York, Oregon, Rhode Island, Wisconsin, and Vermont.

gender or sexual orientation. The City of Alexandria has supported this legislation, but the General Assembly has refused to pass it.

The Alexandria Human Rights Commission has asked that the City again support this legislation in its 2001 Legislative Package, and to broaden it to include crimes that are directed against individuals because of their disabilities.

3.G. Virginia Housing Development Authority Loan Eligibility (Human Rights Commission)

The Virginia Housing Development Authority (VHDA) is a State entity that makes loans for affordable housing to first-time home buyers with low and moderate incomes. VHDA loans are more attractive to home buyers because they generally require a lower down payment, a lower interest rate, or both.

Several years ago, the VHDA Board adopted a new restriction on its loans, limiting them, in the case of two or more individuals who wish to purchase a home, to individuals who are related by blood or marriage. This prevents unrelated couples, including same-sex couples, from receiving VHDA assistance. The Human Rights Commission has asked the City to support legislation that would prohibit VHDA from having such a regulation.

3.H. Restoration of Voting Rights for Felons (Human Rights Commission)

The Virginia Constitution reserves to the Governor the power to restore voting rights to convicted felons. In recent years, there have been complaints about the difficulties felons in Virginia faced if they tried to have their voting rights restored. They often had no idea how the process worked, and found it difficult to determine the status of their requests to have their rights restored.

Legislation passed by the 2000 General Assembly seeks to address some of these problems. This legislation (HB 1080) requires the Virginia Department of Corrections to explain to felons, at the completion of their prison sentence, the State process (set out in the bill) for restoring civil rights. The legislation also directs the Secretary of the Commonwealth (who prepares, for the Governor, the paperwork on the restoration of rights) to notify felons once a completed application for the restoration of rights has been received. Finally, the bill requires the Secretary of the Commonwealth to notify an applicant of the Governor's decision (whether or not voting rights will be restored) no longer than 90 days after the Governor's decision.

Legislation was also introduced last Session to amend the Constitution so that the General Assembly could provide by law for the restoration of a felon's civil rights. This legislation was defeated.

The Alexandria Human Rights Commission believes that it is appropriate to make further modifications to the process for restoring voting rights, so that more felons would have this right

restored after they complete their prison sentences, and recommends that the City support any such proposals that are introduced in the 2001 Session.

3.I. Virginia Civil Rights Act (Human Rights Commission)

House Bill 1504, introduced in the 2000 Session, would create a Virginia Civil Rights Act. This legislation was not enacted, but was carried over to the 2001 Session. If enacted, it would establish a State Human Rights Commission with broad powers, including the determination of whether (1) discriminatory housing practices have occurred (a responsibility now assigned to the Virginia Real Estate Board), (2) the rights of the disabled have been abused (this determination is now made by the State Department for Rights of Virginians with Disabilities, which would be transferred to the Commission), and (3) discrimination in employment has occurred.

The Alexandria Human Rights Commission has asked that the City support passage of the Virginia Civil Rights Act in the 2001 Session.

STAFF:

Bernard Caton, Legislative Director
Michele Evans, Assistant City Manager

ATTACHMENTS:

Attachment 1 - Summary Chart entitled "City of Alexandria 2001 Legislative Package Proposals"

Attachment 2 - VML-VACO Tax Restructuring Proposal

Attachment 3 - Letter from Katherine K. Hanley to Kerry J. Donley, regarding Technology Internship Tax Credit Legislation

Attachment 4 - Funding Proposals for Mental Health, Mental Retardation, and Substance Abuse Services (Virginia Association of Community Services Boards)

Attachment 5 - Letter from Charles L. Cox to Bernard Caton regarding the Legislative Platform of the Northern Virginia Aging Network

CITY OF ALEXANDRIA 2001 LEGISLATIVE PACKAGE PROPOSALS

ISSUE	PROPOSED ACTION
Notification Prior to the Sale of Historic Properties	PROPOSE LEGISLATION
Transportation Funding (Regional Position)	SUPPORT LEGISLATION
Education Funding (Regional Position)	SUPPORT LEGISLATION
Revenue Sharing	SUPPORT PROPOSAL (if VML does)
Tax Credits for Student Technology Interns	SUPPORT LEGISLATION
Red Light Cameras	SUPPORT LEGISLATION
Housing Assistance for Teachers and Other Public Employees	PROPOSE LEGISLATION
Immunity for Parents Who Take Babies to a Safe Haven	SUPPORT LEGISLATION
Open Space Funding	PROPOSE/SUPPORT LEGISLATION
Blighted Properties	PROPOSE LEGISLATION
Va Alcohol Safety Action Program	PROPOSE LEGISLATION
Grant for Lloyd House	PROPOSE BUDGET AMENDMENT
Support for Guardianship Funding	PROPOSE BUDGET AMENDMENT
Service of a Protective Order by Mail; Sunset for a Preliminary Protective Order	PROPOSE STUDY
Felony for a Protective Order Violation (3 rd Offense)	PROPOSE LEGISLATION
Study Use of Ash from Waste-to-Energy Plant in Highway Construction	PROPOSE STUDY
Civil Immunity for Peer Review/Privileged Communications (CSB)	PROPOSE/SUPPORT LEGISLATION
Authorization to Support Va CSB Positions on State Funding (CSB)	SUPPORT LEGISLATION
Issues Endorsed by the Northern Virginia Aging Network (Commission on Aging)	SUPPORT LEGISLATION
Refundable EITC (Economic Opportunities Commission & Social Services Advisory Board)	PROPOSE LEGISLATION
Extend TANF Transitional Benefits (Economic Opportunities Comm. & Social Services Advisory Bd.)	PROPOSE FUNDING
Hate Crimes Legislation (Human Rights Commission)	PROPOSE LEGISLATION
VHDA Loan Restrictions (Human Rights Commission)	PROPOSE LEGISLATION
Restoration of Voting Rights for Felons (Human Rights Commission)	SUPPORT LEGISLATION
Virginia Civil Rights Act (Human Rights Commission)	SUPPORT LEGISLATION



OVERVIEW

VML-VACO Tax Restructuring Proposal

VML MEMBERSHIP BEING BRIEFED ON TAX RESTRUCTURING OPTIONS

The purpose of this briefing is to make you aware of the work that has been done by a consulting firm working with VML and VACO to evaluate the possibility of developing a substantive tax restructuring plan that can be presented to the Commission on Virginia's State and Local Tax Structure for the 21st Century.

The proposal that will be presented to you has been conceptually endorsed by VML's Executive and Legislative Committees, as well as by VACO's Executive Board. You will be given information that shows the amount of additional revenue that your locality would receive under this proposal. The members of both organizations will have an opportunity to vote on the proposal at their annual meetings this fall.

You may wonder what prompted VML and VACO to undertake this effort. There are several reasons. One is that it has become increasingly clear that our current revenue structure is simply not designed to capture the growth that is occurring in the new economy of the 21st century. Whereas in the last century wealth was often reflected by the amount of property one owned, in this century it will be reflected in income and other financial assets that local taxes cannot tap into. Without a change in our local revenue base, local governments will never participate fully in future economic growth. Without this participation, our revenues are unlikely to keep pace with the demand for services.

Another reason to look seriously at the issue of tax restructuring is that others are looking at it. Two years ago, the General Assembly created a citizen's commission to evaluate Virginia's state and local tax structure. That group is due to report to the General Assembly in December. This year, a special subcommittee of the Senate Finance Committee has been created to evaluate state and local tax policies. And there were numerous bills relating to the state income tax that were introduced during the 2000 General Assembly. Some of these bills were carried over and will be discussed by a special subcommittee of the House Finance Committee when it meets Nov. 13.

The purpose of retaining a consultant was to try to get ahead of the curve on the issue of tax restructuring, instead of waiting to respond to proposals that others might offer. This is an attempt to seek consensus among local governments on a particular strategy, because if there's one thing we know for certain, it is that unless we agree on an approach, it is unlikely that the legislature will act. Or if they do, it will be in a way that we like even less.

Do we believe that this is the year when major changes will be made to the state and local tax

structure? Probably not. But achieving a major goal such as this takes time, and it is never too early to begin lobbying for it. Next year the race for Governor will be in full swing, which will provide local governments with an ideal opportunity to talk about this issue.

As many of you know, tax restructuring is not the only major issue being discussed these days. There is also a very important study of the education Standards of Quality that is being undertaken by the Joint Legislative Audit and Review Commission. This study is due to be completed next year. The fact that we are focusing our attention on tax restructuring today should not be interpreted to mean that we consider this to be a more important issue than increased state funding for education. We are also working with our members to build the case for making significant changes to the current SOQ formula.

Clearly this is a very important issue, and the attempt by VML and VACo to seek an approach that all local governments can support is unprecedented. Questions of distribution and formulas are always complicated and controversial, and usually avoided by membership organizations.

Keep in mind that our ability to receive a part of the state income tax will depend heavily on whether or not local governments are able to reach consensus on a strategy. The state is not going to willingly part with a significant portion of its revenue base, and an easy reason for the state to do nothing is that local governments cannot agree among themselves.

As was explained at the beginning of this meeting, the members of both organizations will have the opportunity to vote on this proposal at their annual meetings this fall. Please take what you have received today back home and share it with your fellow local officials. In deciding whether to support or oppose this proposal, consider that no locality gets everything it wants or may feel that it deserves. The primary goal of this proposal is to enhance and diversify the local revenue base, but an attempt has been made to distribute the funds fairly, in a way that recognizes that there are differences between localities.

Analysis of Methods for Distributing the State Income Tax to Localities

Virginia Municipal League
Virginia Association of Counties

Prepared By:
Fiscal Analytics, LLC
September, 2000

Fiscal Analytics, LLC

Scope of Work

- Scope of Work Approved by VML and VACO Executive Committees, with input from the VML/VACO Tax Advisory Group.

Directed Fiscal Analytics to:

- Focus on distribution of state income tax to localities.
- Evaluate the effect of trading off certain local taxes in exchange for state income tax revenue.
- Rule out local option income tax as an area of analysis.
- Rule out changes that involve local real estate tax.
- For select scenarios, project future revenues based on best, worst, and most likely case scenarios.

Work Performed

- Analysis of local taxes included:
 - The level of reliance on major local tax sources
 - The rate of growth of major local tax sources

- Tax change scenarios included:
 - Return of state income tax to localities
 - Replacement of certain local taxes with a share of the state income tax

- Income tax distribution analysis considered various factors

Conclusion

- Trading off certain local taxes was not feasible due to wide variations in reliance on major tax sources by localities.
- The best method for updating the local tax base for the 21st century was to receive a share of the state income tax.
- The fairest distribution method is a combination method that includes residence location, wage location, and a minimum guarantee, with a second level distribution from counties to incorporated towns.

Reasons for Choosing a Return of a Fixed Share of State Income Tax

- Current major local revenue sources are weakening because economy is shifting from goods and property, to services, high technology, and financial assets.
- Therefore, the local tax base is narrowing and revenue growth is slowing.
- Income tax would broaden the local tax base to tap the new economy.

Local Revenues Have Not Kept Pace with State Revenue Growth

Average Percent Growth in Local Tax Revenue FY 1995-99

	<u>Cities</u>	<u>Counties</u>	<u>All</u>
Average	4.6%	6.5%	5.9%
Median	4.1%	6.3%	5.7%
Highest Growth	9.0%	14.6%	14.6%
Lowest Growth	1.2%	-0.6%	-0.6%

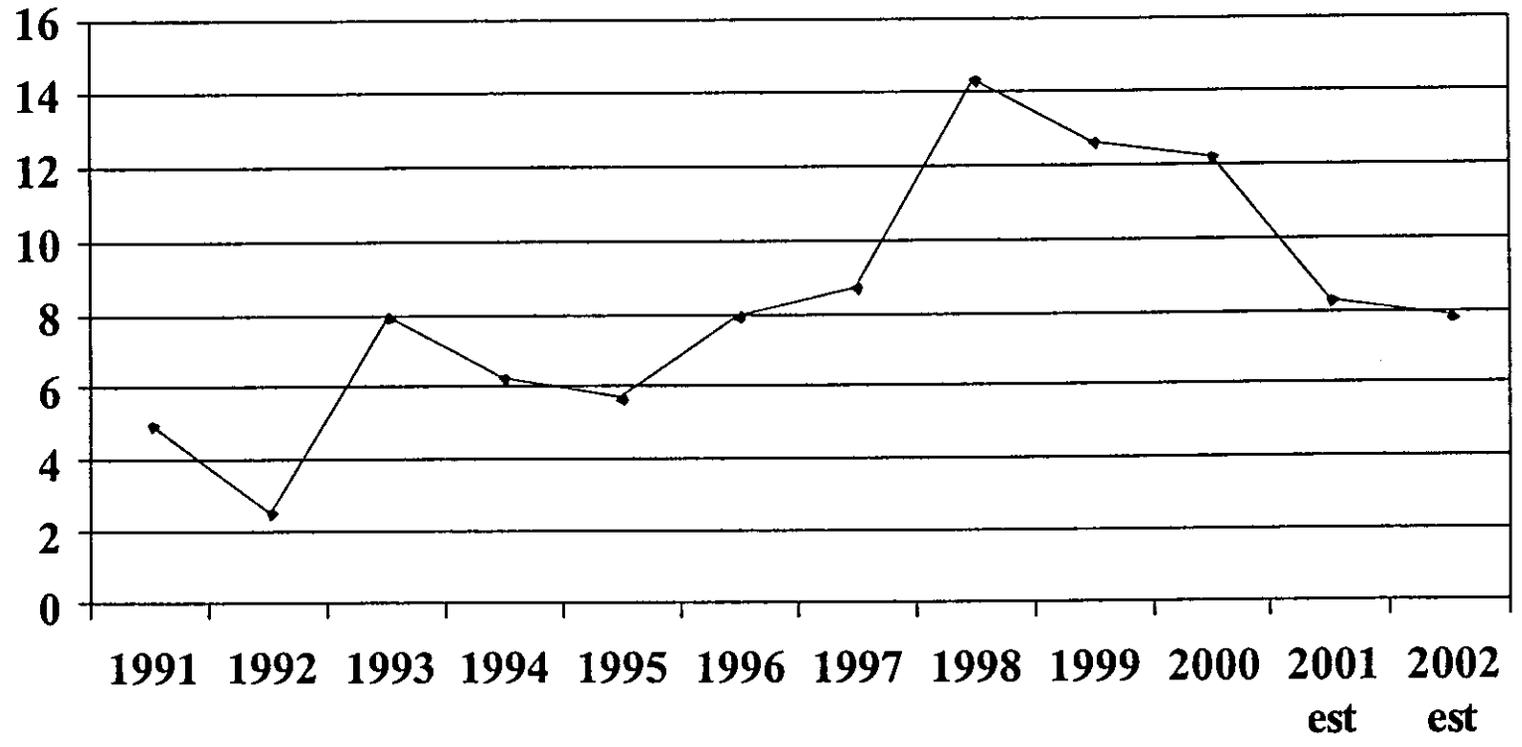
Average Percent Growth in State Revenue FY 1995-99

	<u>Income Tax</u>	<u>Sales Tax</u>	<u>Total</u>
Average	9.8%	6.1%	8.4%

How Much Would an Income Tax Distribution Generate?

- 10 percent of the state income tax is currently projected to be about \$800 million in FY 2002.
- While income tax growth has recently been over 10 percent, capital gains and other non-withholding sources have bolstered returns.
- Over the long-run, it is reasonable to assume that growth resulting from inflation + job growth + productivity increases would be 7% per year.

Percent Growth in State Income Tax



Income Tax Distribution to Localities

How Might a Portion of the State Income Tax Be Distributed to Localities?

- Tax Return Filing Residence
- Population
- Wage Location
- Combination of Above
- Combination of Above, plus a Baseline Distribution amount

Income Tax Distribution Methods

Tax Return Filing Residence

- Distribution based on the relative share of the state income tax paid by taxpayers filing returns in each jurisdiction.
 - Suburban localities are the primary beneficiaries of this distribution method

Income Tax Distribution Methods

Population

- Distribute income tax based on a locality's relative share of state population
 - Rural localities benefit from this distribution method because income and wage levels are lower in rural localities than other parts of the state

Income Tax Distribution Methods

Wage Location

- Distribute the income tax based on the location where wages are actually earned
 - Provides an incentive for localities to encourage job creation
 - Cities benefit under this distribution method because:
 - A greater percentage of jobs are located in city centers
 - Cities have higher wage jobs
 - However, trend is toward job creation in the suburbs

Income Tax Distribution Methods Combination

- A combination of methods tends to smooth the differences in distribution methods.
- In addition, using a baseline distribution amount for all localities further reduces the difference in distribution methods.
 - The 10% baseline amount assumes each locality would receive a base amount of \$593,170, totaling 10% of the amount distributed.
 - School construction funding recently adopted used a similar baseline amount method.

Comparing Distribution Methods

Rank Order, 1 = most favorable, 5 = least favorable

	<u>Residence</u>	<u>Population</u>	<u>Wage</u>	<u>50-50</u>	<u>50-40-10</u>	<u>50-40-10 (\$)</u>
Rural (57)	3	1	5	4	2	\$90,241,017
Suburbanizing (23)	2	1	5	4	3	\$76,441,732
Suburban (15)	1	5	4	2	3	\$385,903,603
Cities (40)	5	2	1	3	4	\$248,193,649

Uses FY 2002 official state income tax estimates

*Residence data = estimates of 1999 income tax payments by locality using
1993-97 Tax Department Annual Reports*

Wage data = 2nd q 1999 BLS ES202 data

How Were Towns Addressed?

The scenario modeled sets aside 50 percent of a county's income tax distribution for town distribution -- with each town receiving a share of this amount equivalent to the ratio of its population to the total county population.

Under this scenario, towns would receive about \$21 million of the total \$800 million in locality income tax distribution in FY 2002.

Proposed Income Tax Distribution Formula (Based on Return of 10% of the State Income Tax)

Cities and Counties

- 50% of \$800 million returned based on the relative share of the total state income tax paid by taxpayers filing returns in each jurisdiction.
- 40% of the \$800 million returned based on where wages were earned (i.e. each localities' relative share of the total statewide wages earned according to federal BLS statistics)
- 10% of the \$800 million divided equally among all 135 cities and counties (\$593,000 per locality)

Proposed Income Tax Distribution Formula

Counties/Towns

- Each counties' income tax distribution would be shared with its respective town(s) based on the town(s) relative share of total county population.
- Half of a counties' share of income tax would be divided among both the county and its town(s) based on population data.

Example:

County A gross income tax distribution = \$1.0 million

1 Town within County A = 6% of total county population

County A net distribution = \$970,000

Town net distribution = \$30,000

**Distribution of 10 Percent of the State Income Tax to Localities
50% Residence / 40% Wage / 10% Base Distribution Method
FY 2002 Estimate**

<u>Locality</u>	<u>Locality Gross</u>	<u>Total Allocation to Towns *</u>	<u>Locality Net</u>
Accomack County	\$2,219,373	\$316,391	\$1,902,981
Albemarle County	\$12,859,663	\$15,806	\$12,843,857
Alleghany County	\$1,448,584	\$21,923	\$1,426,661
Amelia County	\$1,190,854		\$1,190,854
Amherst County	\$2,329,308	\$84,800	\$2,244,508
Appomattox County	\$1,291,337	\$94,037	\$1,197,300
Arlington County	\$41,944,914		\$41,944,914
Augusta County	\$5,501,149	\$39,169	\$5,461,980
Bath County	\$1,076,094		\$1,076,094
Bedford County	\$4,607,016		\$4,607,016
Bland County	\$884,213		\$884,213
Botetourt County	\$2,765,143	\$106,430	\$2,658,714
Brunswick County	\$1,368,411	\$82,580	\$1,285,831
Buchanan County	\$2,062,609	\$38,996	\$2,023,612
Buckingham County	\$1,137,652	\$16,033	\$1,121,619
Campbell County	\$4,174,213	\$198,060	\$3,976,152
Caroline County	\$1,701,924	\$31,149	\$1,670,775
Carroll County	\$1,849,385	\$67,887	\$1,781,498
Charles City County	\$1,043,394		\$1,043,394
Charlotte County	\$1,149,926	\$97,132	\$1,052,794
Chesterfield County	\$26,250,253		\$26,250,253
Clarke County	\$1,702,880	\$240,411	\$1,462,469
Craig County	\$804,765	\$13,653	\$791,111
Culpeper County	\$3,147,586	\$402,001	\$2,745,586
Cumberland County	\$926,377	\$23,730	\$902,647
Dickenson County	\$1,196,814	\$74,227	\$1,122,586
Dinwiddie County	\$2,134,946	\$15,965	\$2,118,981
Essex County	\$1,253,852	\$121,453	\$1,132,399
Fairfax County	\$169,971,098	\$3,376,774	\$166,594,324
Fauquier County	\$7,814,613	\$446,924	\$7,367,689
Floyd County	\$1,162,867	\$20,257	\$1,142,610
Fluvanna County	\$1,608,483	\$4,139	\$1,604,343
Franklin County	\$3,368,671	\$175,703	\$3,192,968
Frederick County	\$4,816,507	\$105,459	\$4,711,047
Giles County	\$1,600,567	\$281,166	\$1,319,401

* Town distribution = (50% of gross county distribution) x (town % of county population)

**Distribution of 10 Percent of the State Income Tax to Localities
50% Residence / 40% Wage / 10% Base Distribution Method
FY 2002 Estimate**

<u>Locality</u>	<u>Locality Gross</u>	<u>Total Allocation to Towns *</u>	<u>Locality Net</u>
Gloucester County	\$2,443,202		\$2,443,202
Goochland County	\$3,609,868		\$3,609,868
Grayson County	\$1,243,597	\$67,370	\$1,176,228
Greene County	\$1,409,237	\$15,124	\$1,394,112
Greensville County	\$1,227,157	\$22,736	\$1,204,421
Halifax County	\$2,663,442	\$282,105	\$2,381,337
Hanover County	\$9,289,414	\$352,152	\$8,937,262
Henrico County	\$35,160,629		\$35,160,629
Henry County	\$4,290,501	\$33,509	\$4,256,992
Highland County	\$720,998	\$31,017	\$689,981
Isle of Wight County	\$3,257,858	\$321,031	\$2,936,827
James City County	\$6,304,592		\$6,304,592
King and Queen County	\$886,705		\$886,705
King George County	\$2,650,394		\$2,650,394
King William County	\$1,527,656	\$184,206	\$1,343,449
Lancaster County	\$1,554,657	\$142,400	\$1,412,257
Lee County	\$1,478,069	\$91,925	\$1,386,145
Loudoun County	\$26,943,700	\$3,008,122	\$23,935,578
Louisa County	\$2,098,642	\$71,553	\$2,027,089
Lunenburg County	\$1,073,947	\$118,742	\$955,205
Madison County	\$1,282,810	\$14,821	\$1,267,989
Mathews County	\$1,091,852		\$1,091,852
Mecklenburg County	\$2,454,384	\$354,316	\$2,100,068
Middlesex County	\$1,187,114	\$33,712	\$1,153,402
Montgomery County	\$6,130,502	\$2,010,161	\$4,120,341
Nelson County	\$1,145,860		\$1,145,860
New Kent County	\$1,540,435		\$1,540,435
Northampton County	\$1,190,555	\$254,863	\$935,692
Northumberland County	\$1,359,105	\$3,517	\$1,355,589
Nottoway County	\$1,415,441	\$332,651	\$1,082,790
Orange County	\$2,311,131	\$247,363	\$2,063,768
Page County	\$1,759,811	\$325,716	\$1,434,095
Patrick County	\$1,463,107	\$38,777	\$1,424,330
Pittsylvania County	\$4,093,186	\$141,751	\$3,951,435
Powhatan County	\$2,115,813		\$2,115,813

* Town distribution = (50% of gross county distribution) x (town % of county population)

**Distribution of 10 Percent of the State Income Tax to Localities
50% Residence / 40% Wage / 10% Base Distribution Method
FY 2002 Estimate**

<u>Locality</u>	<u>Locality Gross</u>	<u>Total Allocation to Towns *</u>	<u>Locality Net</u>
Prince Edward County	\$1,661,055	\$274,661	\$1,386,394
Prince George County	\$2,921,223		\$2,921,223
Prince William County	\$21,621,978	\$271,613	\$21,350,365
Pulaski County	\$3,166,817	\$533,359	\$2,633,459
Rappahannock County	\$1,197,178	\$16,340	\$1,180,838
Richmond County	\$1,111,008	\$59,866	\$1,051,142
Roanoke County	\$8,326,618	\$369,693	\$7,956,926
Rockbridge County	\$1,843,576	\$72,173	\$1,771,403
Rockingham County	\$5,482,929	\$541,264	\$4,941,665
Russell County	\$2,047,687	\$273,204	\$1,774,483
Scott County	\$1,492,146	\$138,965	\$1,353,181
Shenandoah County	\$2,891,158	\$534,774	\$2,356,385
Smyth County	\$2,552,339	\$421,425	\$2,130,914
Southampton County	\$1,554,434	\$103,347	\$1,451,086
Spotsylvania County	\$6,491,187		\$6,491,187
Stafford County	\$7,052,820		\$7,052,820
Surry County	\$1,085,187	\$67,444	\$1,017,743
Sussex County	\$1,187,605	\$208,199	\$979,406
Tazewell County	\$3,067,751	\$502,224	\$2,565,527
Warren County	\$2,671,089	\$554,186	\$2,116,903
Washington County	\$4,127,150	\$445,408	\$3,681,741
Westmoreland County	\$1,327,443	\$134,626	\$1,192,817
Wise County	\$2,704,676	\$452,117	\$2,252,559
Wythe County	\$2,285,093	\$383,552	\$1,901,541
York County	\$4,621,991		\$4,621,991

* Town distribution = (50% of gross county distribution) x (town % of county population)

**Distribution of 10 Percent of the State Income Tax to Localities
50% Residence / 40% Wage / 10% Base Distribution Method
FY 2002 Estimate**

<u>Locality</u>	<u>Locality Gross</u>	<u>Total Allocation to Towns *</u>	<u>Locality Net</u>
Alexandria City	\$22,735,042		\$22,735,042
Bedford City	\$1,135,777		\$1,135,777
Bristol City	\$2,459,523		\$2,459,523
Buena Vista City	\$986,100		\$986,100
Charlottesville City	\$5,387,097		\$5,387,097
Chesapeake City	\$14,457,097		\$14,457,097
Clifton Forge City	\$774,783		\$774,783
Colonial Heights City	\$1,830,023		\$1,830,023
Covington City	\$1,253,609		\$1,253,609
Danville City	\$4,326,793		\$4,326,793
Emporia City	\$1,047,896		\$1,047,896
Fairfax City	\$3,867,259		\$3,867,259
Falls Church City	\$4,065,523		\$4,065,523
Franklin City	\$1,299,757		\$1,299,757
Fredericksburg City	\$3,326,805		\$3,326,805
Galax City	\$1,347,443		\$1,347,443
Hampton City	\$10,006,269		\$10,006,269
Harrisonburg City	\$3,729,514		\$3,729,514
Hopewell City	\$2,211,759		\$2,211,759
Lexington City	\$1,198,044		\$1,198,044
Lynchburg City	\$7,991,301		\$7,991,301
Manassas City	\$4,783,335		\$4,783,335
Manassas Park City	\$1,335,083		\$1,335,083
Martinsville City	\$2,465,815		\$2,465,815
Newport News City	\$14,342,330		\$14,342,330
Norfolk City	\$20,687,260		\$20,687,260
Norton City	\$1,033,625		\$1,033,625
Petersburg City	\$2,880,991		\$2,880,991
Poquoson City	\$1,348,598		\$1,348,598
Portsmouth City	\$7,162,705		\$7,162,705
Radford City	\$1,778,813		\$1,778,813
Richmond City	\$28,108,224		\$28,108,224
Roanoke City	\$10,811,516		\$10,811,516
Salem City	\$4,101,290		\$4,101,290
Staunton City	\$2,242,642		\$2,242,642

* Town distribution = (50% of gross county distribution) x (town % of county population)

**Distribution of 10 Percent of the State Income Tax to Localities
50% Residence / 40% Wage / 10% Base Distribution Method
FY 2002 Estimate**

<u>Locality</u>	<u>Locality Gross</u>	<u>Total Allocation to Towns *</u>	<u>Locality Net</u>
Suffolk City	\$4,844,370		\$4,844,370
Virginia Beach City	\$33,609,659		\$33,609,659
Waynesboro City	\$2,309,985		\$2,309,985
Williamsburg City	\$2,228,963		\$2,228,963
Winchester City	\$4,034,427		\$4,034,427
<i>Sum of Localities</i>	<i>\$800,780,000</i>	<i>\$21,370,341</i>	<i>\$779,409,659</i>

Sources:

1999 Residence income tax estimated using 1993-97 Department of Taxation Annual Reports

Wage data = 1999 2nd Q Bureau of Labor Statistics ES202 data

County/Town population data = Weldon Cooper Center

* Town distribution = (50% of gross county distribution) x (town % of county population)



Northern Virginia Regional Partnership, Inc.

2214 Rock Hill Road, Suite 318, Herndon, VA 20170 • Phone: (703) 834-3200 • Fax: (703) 834-5388 • www.nvrp.org

October 4, 2000

The Honorable Kerry J. Donley
 Mayor
 City of Alexandria
 City Hall, P.O. Box 178
 301 King Street
 Alexandria, VA 22313-3211

Dear Mayor Donley:

The Northern Virginia Regional Partnership Board of Directors recently voted to support HB 859 and SB 574, the Virginia Technology Internship Program Tax Credit, during the upcoming 2001 General Assembly session. This legislation was introduced during the 2000 General Assembly session and was approved by the full House, but was held over until the 2001 session. A copy of last year's legislation is enclosed.

HB 859 and SB 574 would grant a tax credit to employers in amounts up to 50% of all wages paid to eligible student interns. The amount of the tax credit would not exceed \$2,000 per student intern. Total tax credits for student interns would not exceed \$2 million. The legislation also provides for a tax credit of up to \$1,000 per teacher or guidance counselor to whom the employer provides an eligible IT training course. Total tax credits for teacher training would not exceed \$500,000.

In our efforts to retrain and add new IT workers to the Northern Virginia region, the NVRP Board of Directors wants to pursue every possible option for encouraging IT companies or related businesses to hire students or newly-trained adults to gain relevant IT work experience. The IT Internship Tax Credit would offer an important hiring incentive to many regional IT companies, since a number of IT company representatives have noted they do not have sufficient available funding or staff to devote to managing and supervising new student interns.

I encourage your consideration and support of this legislative item for inclusion in the 2001 City of Alexandria General Assembly Legislative Package.

Sincerely,

Katherine K. Hanley
 Chairman

Enclosure

cc: Mr. Bernard Caton
 City of Alexandria Legislative Liaison

[summary](#) | [pdf](#)**HOUSE BILL NO. 859**

House Amendments in [] -- February 9, 2000

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12, relating to Virginia Technology Internship Program tax credits.

 Patrons-- May, Albo, Brink, Davis, Devolites, Landes, Nixon and Plum

 Referred to Committee on Finance

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12 as follows:

§ 58.1-439.12. Virginia Technology Internship Program tax credits.

A. As used in this section:

"Eligible information technology internship" means an internship in a technology-related field performed within Virginia that is (i) a college-level internship that qualifies for course credit at an accredited institution of higher education within the United States in which the student intern is enrolled; (ii) a high school level internship which provides practical, applied experience, as designated by the board of the Virginia public school district in which the student intern is enrolled; or (iii) a nondegree program that retrains workers for information technology careers.

"Eligible student intern" means (i) a student enrolled in an accredited institution of higher learning who has formally declared as a major course of study a degree program in a technology-related field, (ii) a student enrolled in a public high school or an accredited private high school within Virginia or a high school level home-schooled student who is a resident of Virginia, or (iii) a student enrolled in a nondegree information technology retraining program in an accredited institution of higher learning.

"Information technology training course" means workplace experience that provides knowledge of how technology is utilized in a technology-related field for which continuing education units or professional development points will be granted pursuant to guidelines established jointly by the Secretary of Education and the Secretary of Technology.

"Teacher or guidance counselor" means an individual employed within Virginia as a primary or secondary school teacher or guidance counselor licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1.

"Technology-related field" includes, but is not limited to, management information systems, computer science, information technology, telecommunications, or a technology-dependent field, such as bioinformatics.

B. An employer shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 of this title, as set forth in subsections C and D.

C. Effective for [~~the taxable year beginning January 1, 2001, through December 31, 2001~~ taxable years beginning on and after January 1, 2001, but before January 1, 2002], an employer shall be allowed a credit in an amount equal to up to fifty percent of all wages paid to an eligible student intern for services performed in conjunction with an eligible information technology internship. The amount of the credit per eligible student intern shall not exceed \$2,000. The total amount of tax credits granted to employers

under this subsection shall not exceed \$2,000,000.

D. Effective for ~~the taxable year beginning January 1, 2001, through December 31, 2001~~ taxable years beginning on and after January 1, 2001, but before January 1, 2002, an employer shall be allowed a credit of \$1,000 per teacher or guidance counselor to whom the employer provides [without remuneration] an eligible information technology training course, provided only one such credit shall be allowed per teacher or guidance counselor regardless of how many training courses they take. The total amount of tax credits granted to employers pursuant to this subsection shall not exceed \$500,000.

E. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders or members, respectively, in proportion to their ownership or interest in such business entities.

F. The amount of the credit allowed pursuant to this section shall not exceed the tax imposed on the employer seeking the credit for such taxable year. Any credit not usable for the taxable year may be, to the extent usable, carried over for the next five succeeding taxable years. No credit shall be carried back to a preceding taxable year.

G. The Secretary of Technology in consultation with the Tax Commissioner shall issue guidelines further defining eligible internships and training courses. In preparing such guidelines, the Secretary of Technology and the Tax Commissioner shall not be subject to the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.), but shall conduct a public hearing prior to issuing such guidelines.

H. The credit provided under this section shall be allowed only if an employer's application for credit is approved and certified by the Secretary of Technology to the Department of Taxation. Applications submitted to the Secretary of Technology shall be approved in the order received.

I. From such funds as may be appropriated and from other funds as may be received on its behalf, a program of tuition assistance is hereby established in the form of grants awarded on a competitive basis to eligible student interns participating in eligible information technology internships, as defined herein and through guidelines issued in accordance with subsection G. The program shall be administered by the Secretary of Technology through such guidelines as the Secretary, in consultation with the Secretary of Education, may deem necessary and appropriate.

The amount of each grant awarded to each eligible student intern shall be used only for payment of charges for tuition, fees, room, board, and other educational expenses.



Go to [\(General Assembly Home\)](#)

ATTACHMENT 4

**FUNDING PROPOSALS FOR MENTAL HEALTH, MENTAL RETARDATION, AND
SUBSTANCE ABUSE SERVICES**

**Proposed by the Virginia Association of Community Services Boards
to the 2001 General Assembly Session**

Here's what will make the greatest difference for consumers!

Critical Impact on Consumer Need in Mental Health

1. Funding for psychiatric staff time (psychiatrists, psychiatric nurses, pharmacy technicians) which will:

- REDUCE the current ratio of 427 consumers to every 1 psychiatrist
- IMPROVE access to physician services for consumers with mental illness
- REDUCE delays for psychiatrist staff to treat consumers
- ADDRESS health care needs of consumers

\$9,358,518 (GF)

Critical Impact on Consumer Need in Mental Retardation

2. Funding to serve 750 consumers needing immediate residential placement and day support in 01-02 due to risk of homelessness or severity of disability. Many are MR Waiver eligible, others are not.

- For identified consumers eligible for MR waiver.
(DMAS Budget) \$17,000,000 (GF)
- For identified consumers not eligible for the MR waiver as well as consumers who are Waiver eligible but needing services not reimbursed by the Waiver.
(DMHMRSAS Budget) \$4,500,000 (GF)
- For start-up costs of MR Waiver for 750 consumers.
(DMHMRSAS Budget) \$4,500,000 (GF)

\$26,000,000(GF)

Critical Impact on Consumer Need in Substance Abuse

3. Funding to serve 2,147 consumers with severe services needs.
 - For 1,417 consumers identified in the Comprehensive Plan as needing extensive services.
 - For 730 consumers diverted from state facilities And needing wrap-around services to remain in their

communities.

\$9,856,509 (GF)

(SABRE, federal block grant, and special funding have been applied to offset full cost of \$21,729,995.)

Critical Impact on Consumer Need in Children and Youth Services

4. Funding for CSBs to increase the hours for child psychiatric services by 665 hours per CSB.

Funding would:

- REDUCE the current ratio of 464 children to every 1 psychiatrist.
- ADDRESS the 31% increase in need for services for children and youth.
- DISTRIBUTE equally among CSBs so that every CSB can improve ratio.

\$2,000,000 (GF)

Critical Impact on Community Need in Strengthening Families

5. Funding to implement the Strengthening Families Program, a national bench mark program effective in strengthening families and preventing substance abuse, teen violence, and family deterioration.

- Funding will implement this program in five (5) Virginia localities at a cost of \$100,000 per project. Evaluation is included.

\$500,000 (GF)

Total Priority Funding \$47,715,027 (GF)



Office: 703-838-0920

City of Alexandria, Virginia
Commission on Aging

Office of Aging and Adult
Services
Division of Community Programs
Department of Human Services
2525 Mount Vernon Avenue, Unit 5
Alexandria, Virginia 22301-1159

Attachment



Fax: 703-838-0886

September 5, 2000

Bernard Caton, Legislative Director
City of Alexandria, Virginia
P.O. Box 178
Alexandria, Virginia 22313

Dear Mr. Caton:

The Northern Virginia Aging Network (NVAN) is still drafting its 2001 legislative platform for the Virginia General Assembly. As you know, NVAN will present the package to Northern Virginia legislators on September 19 at a special NVAN meeting at the Lincolnia Senior Center. As soon as I receive a copy of the platform, I will forward it to you.

As in the past, the Commission on Aging does not expect City Council to adopt this platform, which would require you to track all legislation involved with these efforts and regularly report to City Council. Rather, the Commission again requests that City Council endorse the platform, as they did for the last four years. The endorsement concept allowed Commission members to actively participate in the legislative process without necessitating your constant attention. We believe the process works quite well.

Please let me know if you agree with our proposal. Thank you.

Sincerely,

Charles L. Cox, Chair
Commission on Aging

Message Attachment

City of Alexandria, Virginia
EMAIL MEMORANDUM

DATE: September 22, 2000 05:27:49 PM
TO: Bernard Caton/Alex@Alex
FROM: Bob Eiffert
SUBJECT: NVAN Platform

Attached is a Word document and a WordPerfect document containing the approved NVAN Legislative Platform. Please let me know if you are unable to read at least one of them. Thanks!



Platform.doc Nvan.wpd

NORTHERN VIRGINIA AGING NETWORK (NVAN)

a coalition of the local commissions on aging, area agencies on aging, and non-profit agencies providing services to the elderly

Alexandria
Commission on Aging

Arlington
Commission on Aging

Fairfax
Commission on Aging

Falls Church
Senior Citizens' Commission

Loudoun
Commission on Aging

Prince William
Commission on Aging

2001 LEGISLATIVE PLATFORM

The Northern Virginia Aging Network (NVAN) includes the commissions on aging and area agencies on aging from Alexandria, Arlington, Fairfax, Falls Church, Loudoun and Prince William, as well as a number of regional service and advocacy organizations. The 2001 NVAN State Legislative Platform seeks to enhance the *independence and quality of life* of older Virginians, helping them to remain in homes of their choice, receive high quality services and exercise their rights under law. NVAN supports the legislative aims of the Virginia Coalition for the Aging. NVAN makes the following three recommendations:

- 1. Home and Community Based Care.** NVAN urges the General Assembly to appropriate resources to enable older Virginians to remain in homes of their choice and to function effectively for as long as possible:

Provide \$19,250,000 for unmet needs for home and community based care, as identified and verified by the area agencies on aging, including funds for in-home care, home delivered meals, transportation, care coordination, and adult day/respice.

Provide \$250,000 to the Virginia Department of Housing and Community Development for local public and private agencies' support of low-cost home modification programs that allow older Virginians to remain in their own homes;

Provide \$250,000 for expanding throughout the Commonwealth Alzheimer's Association HelpLine counseling and referral services for 100,000 Virginia families living with Alzheimer's disease and related dementias.

Please send
correspondence to:

NVAN
c/o Northern Virginia
Regional Commission
7535 Little River Turnpike
Suite 100
Annandale, Virginia 22003

703-642-0700
Fax: 703-642-5077

VDA-NVAN\platform.doc

2. Affordable Assisted Living. NVAN urges measures to increase the availability of quality affordable assisted living for modest income residents:

Increase the Auxiliary Grant rate by 5% (over any maintenance of effort increase); and increase the Northern Virginia differential to 18% above the maximum state rate to better cover actual costs in the region, using 100% non-local sources;

Investigate the loss of the Intensive Assisted Living Medicaid Waiver; direct the Department of Medical Assistance Services and the Department of Social Services to more effectively monitor assisted living facilities; and sufficiently fund intensive assisted living care; and

Provide funding for the Virginia Department of Social Services training for new assisted living owner/operators.

Protection of Older Adults. NVAN supports initiatives for the protection of vulnerable older adults:

Provide full funding for the local Long Term Care Ombudsman Programs, including \$1,500,000 statewide to meet the recommended ratio of one full-time staff person per every 2000 beds;

Provide \$3,100,000 to the Department of Social Services Adult Protective Services program, for the 122 local departments of social services and DSS oversight; and provide funding to the Department for the Aging for Public Guardianship Programs, including continuing funding for all existing programs, providing additional funding annually to start two new programs a year at an approximate cost of \$50,000 per program; and supporting seed money for pilot representative payee and bill payer/money management programs;

Provide support for the VICAP and Managed Care Ombudsman Programs, to inform older persons about their insurance options and resolve Medicare and related insurance issues.

Background

1. Home and Community Based Care.

a. Funding for unmet needs. Every day older Virginians are denied services for which they are eligible because there is insufficient public funding. Each quarter, Virginia's 25 area agencies on aging report on unmet needs for supportive services, based on actual requests for assistance from eligible Virginians. Home-based services help older adults function independently, keep them in the least restrictive setting, foster and build on family support, decrease the risk of inappropriate institutionalization, improve life satisfaction – and save money. NVAN joins the Coalition for the Aging in urging the General Assembly to allocate the following amounts for the area agencies on aging, through the Department for the Aging:

<u>Service provided</u>	<u>New funds requested</u>	<u>Additional services</u>
In-home care	\$10,300,000	806,500 hours
Home delivered meals	4,500,000	1,331,361 meals
Transportation	1,250,000	226,860
Care coordination	2,500,000	Statewide services
Adult day/respite	700,000	151,188 hours

b. Home modification. Surveys show that over 80% of all individuals prefer to remain in their own homes whenever possible – often enjoying a higher quality of life than in a nursing home or assisted living facility, as well as saving state funds. Often this is possible with simple modifications or additions to the home to make it safer and more convenient. In many communities, there are civic groups capable and willing to install special equipment if funds are available for purchase. Funding of \$250,000 to the Virginia Department of Housing and Community Development could be granted to local public or private groups in small amounts (\$1,000 to \$2,000) to match private funds to purchase and install special fixtures (e.g. stair hand rails, bathtub grab bars, levered faucet handles and doorknobs, special lighting, etc.) designed to make a home safer, and more convenient for elderly or physically disabled individuals when the owners' annual income is less than \$30,000 and the assessed home value is less than \$100,000.

c. Alzheimer's Association HelpLine counseling and referral. Alzheimer's disease and related dementias are progressive, degenerative diseases that can span two to 20 years. Due to the complex nature of the disease and the difficult behaviors that families face during the course of the illness, accurate information and counseling are essential. The Alzheimer's Association HelpLine program provides information on the disease process, caregiver issues, financial and legal considerations, medical issues and community resources, and is a lifeline particularly to the 70% of families who are providing care to their loved one at home. The Alzheimer's Association chapter

network has been providing this vital and effective service to tens of thousands of Virginia families for two decades. But the number of Virginia families living with dementia is swelling.

The Alzheimer's Association needs the partnership of the Commonwealth to meet that growing need. This private-public partnership will enable the Alzheimer's Association HelpLine program to serve more families, and supplement volunteer counseling with professional counseling in every part of the Commonwealth. Funding of \$250,000 to the Virginia Department for the Aging to contract with the Alzheimer's Association, with a match of \$75,000 from the private sector, could expand HelpLine to reach all 100,000 Virginia families living with dementia -- helping to avert or resolve crises, and decrease the risk of state financed inappropriate institutionalization.

Affordable Assisted Living

a. Auxiliary grant rate. The Auxiliary Grant is insufficient to cover assisted living costs. The statewide average market rate for assisted living is \$2,660 per month. If an assisted living resident spends approximately 80% of monthly income on assisted living care, a monthly income of \$3,325 or \$39,900 annually would be needed. No Virginia Auxiliary Grant recipient has an income greater than \$12,000 annually. Northern Virginia costs are 18% higher than costs in other parts of the state. Therefore, the Northern Virginia differential for the Auxiliary Grant should be 18% higher than the rate used throughout the rest of the state. Nearly two of every three (222 of 346) Northern Virginia Auxiliary Grant recipients are placed outside the region due to a lack of facilities accepting Auxiliary Grants as payment for assisted living (Joint Commission on Health Care staff draft report, *Public Funding of Adult Care Residences*, September 1998).

b. Intensive assisted living Medicaid waiver. Virginia lost its ability to use federal Medicaid funds (through the Intensive Assisted Living Medicaid Waiver) to partially fund the costs of intensive levels of assisted living care. The letter from the U. S. Health Care Financing Administration dated March 10, 2000 that rescinded the Intensive Assisted Living Waiver cited non-compliance with federal regulations, and also found that Virginia was not protecting assisted living residents pursuant to its own state regulations. This signals a strong need for investigation and rigorous monitoring.

But the previous intensive assisted living waiver was insufficient. Under the previously available waiver program, the Virginia Department of Medical Assistance Services established a maximum reimbursement of \$6 per day for intensive services to assisted living residents. The maximum amount provided through the waiver was insufficient to purchase adequate assistance for elderly assisted living residents who needed help with multiple activities of daily living (i.e., bathing, dressing, toileting, feeding, medication administration, etc.) Assistance with activities of daily living provided in assisted living facilities was currently reimbursed at a lower rate than

similar care delivered in the home through home health aide service or in adult day care, and was limited to not more than one hour of service per day. Rates for assisted living residents requiring intensive levels of service should at least match the rates of reimbursement provided by the state for similar kinds of care in other settings.

c. Improved staff training. The HCFA letter rescinding the Intensive Assisted Living Medicaid Waiver identified significant shortcomings in assisted living care quality. House Bill 1194 and Senate Bill 577, which both passed during the FY 2000 Assembly session, mandated training for first time assisted living owner/operators. No funding was provided during FY 2001 to carry out this mandate.

3. Protection of Older Adults

a. Long term care ombudsman program. The state long term care ombudsman program is funded through combined federal Older Americans Act, state and local monies. It is a focal point for the resolution of complaints, serving some of the Commonwealth's most vulnerable residents and their families. Currently local or regional programs cover the state geographically, using staff and trained volunteers to make personal contacts in nursing homes and assisted living facilities. But the programs are stretched thin. Many do not have adequate funding to employ even one full-time staff person. Others do not have sufficient funding to meet the Institute of Medicine's recommendation of one full time staff for every 2000 beds. Statewide, the local or regional programs have nine full-time staff, 20 part-time staff, and a total of 68 volunteers to serve over 65,300 beds. In Northern Virginia, the bed count has increased by over 35% since 1987, but the staffing level has decreased. Funding of \$1.5 million would provide sufficient resources to fully operate the programs statewide. This request is supported by the Commonwealth Council on Aging.

b. Adult protective services. Local departments of social services investigate reports of abuse, neglect and exploitation of older adults and persons with disabilities, and provide and/or identify needed services. In the last year, APS conducted over 10,000 investigations statewide. Funding of \$3.1 million would enable APS adequately to reach and serve older Virginians at risk.

c. Public guardianship programs. Legislation in 1998 established a statewide Public Guardianship and Conservatorship Program with a program coordinator in the Department for the Aging, a state advisory board and a mechanism for funding local/regional programs. Funds were appropriated for 6 new programs, and three original pilot programs continued, making a total of nine – but still leaving major areas of the state uncovered. In these areas, vulnerable incapacitated adults lack the decision-makers and services they need. While these local guardianship programs may be able to supplement costs through fund-raising and fee-generating clients, they will continue to need funding from the Commonwealth as well. Volunteers can also help keep costs down in local guardianship programs, but require supervision and must not be used as decision-makers. The average cost of a local guardianship program is \$50,000 per year. Since there are currently 9

programs funded by the state, this amounts to about \$450,000. Each year an additional \$100,000 should be added to the budget until the entire state is covered, in addition to the funding needed to maintain the central office function.

Bill payer/money management and representative payee programs serve as less restrictive alternatives to guardianship for persons who have difficulty managing their finances but not requiring conservatorship. Bill payer programs train volunteers to aid low-income individuals in handling day-to-day financial affairs, help with establishing a budget, opening, organizing, and sending out mail, check writing, and balancing the checkbook. Representative payees under Social Security or other government programs are appointed to manage a beneficiary's public funds in the best interest of the beneficiary, providing for rent, food, clothing, utility, and medical bills, and saving excess funds in appropriate accounts. These new initiatives could be attached to existing local guardianship programs (at an approximate cost of \$10,000 per program per year), or could use freestanding models of service delivery.

d. VICAP and managed care ombudsman. The Virginia Insurance Counseling and Advocacy Program (VICAP) has trained over 300 local volunteers who counsel older Virginians in Medicare, Medicaid and other benefit issues, including managed care. Additional resources would maintain the program's ability to intervene on behalf of Medicare managed care beneficiaries.

The Northern Virginia Medicare Managed Care Ombudsman Program investigates, resolves complaints, files appeals, mediates between patients and plans, acts as case manager, and interfaces among HMO physicians/beneficiaries/families. Funding of \$50,000 would allow the program to continue during the FY 2002 year.

2000 SESSION

002474964

HOUSE JOINT RESOLUTION NO. 170

Offered January 24, 2000

Proposing an amendment to Section 8 of Article X of the Constitution of Virginia, relating to the Revenue Stabilization Fund.

Patrons—Van Yahres, Almand, Baskerville, Councill, Cranwell, Crittenden, Darner, Deeds, McEachin, Melvin, Plum, Robinson, Stump, Van Landingham and Williams; Senators: Couric, Howell, Marsh, Marye and Puller

Referred to Committee on Privileges and Elections

RESOLVED by the House of Delegates, the Senate concurring, a majority of the members elected to each house agreeing, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 8 of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 8. Limit of tax or revenue.

No other or greater amount of tax or revenues shall, at any time, be levied than may be required for the necessary expenses of the government, or to pay the indebtedness of the Commonwealth.

The General Assembly shall establish the Revenue Stabilization Fund. The Fund shall consist of an amount not to exceed ten percent of the Commonwealth's average annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts for the three fiscal years immediately preceding. The Auditor of Public Accounts shall compute the ten percent limitation of such fund annually and report to the General Assembly not later than the first day of December. "Certified tax revenues" means the Commonwealth's annual tax revenues derived from taxes on income and retail sales as certified by the Auditor of Public Accounts.

The General Assembly shall make deposits to the Fund to equal at least fifty percent of the product of the certified tax revenues collected in the most recently ended fiscal year times the difference between the annual percentage increase in the certified tax revenues collected for the most recently ended fiscal year and the average annual percentage increase in the certified tax revenues collected in the six fiscal years immediately preceding the most recently ended fiscal year. However, growth in certified tax revenues, which is the result of either increases in tax rates on income or retail sales or the repeal of exemptions therefrom, may be excluded, in whole or in part, from the computation immediately preceding for a period of time not to exceed six calendar years from the calendar year in which such tax rate increase or exemption repeal was effective. Additional appropriations may be made at any time so long as the ten percent limitation established herein is not exceeded; however, if the Fund's balance exceeds the limitation, the amount in excess of the limitation shall be paid into the general fund after appropriation by the General Assembly. All interest earned on the Fund shall be part thereof; however, if the Fund's balance exceeds the limitation, the amount in excess of the limitation shall be paid into the general fund after appropriation by the General Assembly deposited into the Virginia Housing Partnership Revolving Fund or its successor fund.

The General Assembly may appropriate an amount for transfer from the Fund to compensate for no more than one-half of the difference between the total general fund revenues appropriated and a revised general fund revenue forecast presented to the General Assembly prior to or during a subsequent regular or special legislative session. However, no transfer shall be made unless the general fund revenues appropriated exceed such revised general fund revenue forecast by more than two percent of certified tax revenues collected in the most recently ended fiscal year. Furthermore, no appropriation or transfer from such fund in any fiscal year shall exceed more than one-half of the balance of the Revenue Stabilization Fund. The General Assembly may enact such laws as may be necessary and appropriate to implement the Fund.

002474964

HJ170

1/26/00 9:38

Official Use By Clerks			
Agreed to By The House of Delegates		Agreed to By The Senate	
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Date: _____		Date: _____	
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Clerk of the House of Delegates		Clerk of the Senate	

**VIRGINIA COALITION FOR THE HOMELESS
Rental Housing Assistance Program
Utilizing State TANF/MOE Funding**

Proposal:

The Virginia Coalition for the Homeless is proposing the use of \$6.3 million in available TANF/MOE funds for the provision of rental assistance to working poor families. Many families moving from welfare to work do not initially earn enough income to provide appropriate housing for themselves and their children. The profound disruption caused when housing is inadequate or when families are evicted jeopardizes individuals' abilities to hold a job, to complete job training, and to establish and maintain economic self-sufficiency.

Consistent with TANF/MOE regulations and Virginia's goals, the proposed rental assistance will assist families in their reach for independence by providing targeted time limited assistance to fill the gap between income and housing costs. Such assistance can provide individuals and families the time to find or qualify for higher paying jobs and/or to complete job training and placement programs.

Background:

According to the Virginia Independence Program report (July 2000), families moving from welfare to work typically earn \$6.32 an hour, or approximately \$1,053 per month for full-time work. The nationally accepted standard for housing costs is 30% of income; thus, this worker has a monthly housing budget of \$314. However, the U.S. Department of Housing and Urban Development's standard for rent, Fair Market Rent (FMR) reports in Virginia an average cost of a 2-bedroom apartment is \$618-a cost that is nearly twice the housing budget of the typical welfare to work family.

Families earning \$6.32/hr and paying \$618/month for an apartment are spending 59% of their gross income on rent. Faced with this high rent burden, they are challenged to meet other household needs, including food, clothing, and medical care for themselves or their children. Job related costs, such as child care and transportation, add to their financial burdens. For families in these circumstances, low-wage employment can cost more than it pays.

Although many of these families manage to find housing, their housing is often substandard, overcrowded, and vulnerable to any of the varied "everyday emergencies" faced by families of all incomes: loss of employment or income due to accident or illness; unexpected costs for automobile repairs or even school supplies; high utility bills triggered by unusual weather patterns or steep rises in fuel costs. Any of these "extraordinary" costs can begin a cycle of financial problems that all too often leads to foreclosure or eviction, and homelessness.

Forty percent of homeless people entering Virginia's emergency shelters are working-proof of the gap between the cost of housing and income, and a reason to question the ultimate "success" of low-wage employment. In emergency and transitional shelters, the numbers of homeless families with children continue to increase. Shelter providers sometimes extend time to homeless residents-and residents are sometimes caught in a revolving cycle from shelter to inappropriate, unaffordable housing and back. This cycle keeps shelters, quite literally, filled to overflowing and results in high numbers of families and individuals in need of shelter being turned away.

Their need for housing can be met in either of two ways:

- 1) At great financial and emotional cost shelters and transitional housing can be made a permanent part of the Virginia infrastructure, the accepted means of housing thousands of poor working families. This strategy would require dramatic increases in the numbers of shelter beds available, as well as the amount of time homeless families can stay in emergency and transitional shelters.
- 2) Existing TANF/MOE funds can be made available as targeted state support to help move families from shelters and prevent many families from needing emergency shelter at all. This strategy makes good use of existing federal-state financial partnerships; allows families to stay in their homes and communities; and fulfills the implicit promise of work-that it leads to greater independence and self-sufficiency.

The Program:

Over 2000 low-income Virginia families could each receive up to 12 months of rental assistance though use of \$6.3 million in existing TANF/MOE funds, distributed through the Homeless Intervention Program (HIP) administrators. Twenty-seven HIP sites currently cover the Commonwealth;

use of this structure would prevent the need to create new bureaucracies and would assure that the bulk of funds go directly to families in need.

Assisted families would be required to spend 30% of their income for rent; rental assistance would bridge the gap between 30% of family income and the actual cost of housing.

For example:

The Smith family faces unplanned expenses in their move to employment and housing. With a monthly rent of \$618-which represents 59% of their monthly gross income of \$1,053, under the proposed rental assistance program, the Smiths would be eligible for 12 months of rental assistance at \$303/month.

Rent for Smith housing \$ 618

Smith's share = 30% of income ($\$1,053 \times .30$) - \$315

Monthly rental assistance = $\$303 \times 12$ months

Total rental assistance - \$3636 (less than 1/2 the cost of
12 months shelter)

Through such targeted, judicious support, Virginia could support working poor families by providing time-to recover from financial setbacks, or to advance through work and/or job training. With such support, working poor families would have a greater opportunity for success in their quest for independence and self-sufficiency.

The Coalition proposes TANF/MOE or Social Services Block Grant (SSBG) funding as first funding priority, or a combination of TANF/MOE/SSBG and Virginia General Funds.

September 2000

For further information please contact Sue Capers, (703) 739-9365, sbcapers@ix.netcom.com



**Northern
Virginia
Family
Service**

Mary B. Agee, ACSW
Executive Director

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703/392-0052 FAX

Online
www.nvfs.org

November 16, 2000

Mayor Kerry J. Donley
Alexandria City Council Members
City of Alexandria
301 King Street, Ste 2300
Alexandria, VA 22314

Dear Mayor Donley and Council:

I would like to request that language supporting increased state funding for the Healthy Families programs statewide be included in city's legislative agenda this year. While Alexandria has long been a champion of families and children and has wisely embraced prevention, especially in support services to new families, state funds have not kept pace with local investments.

Across the Commonwealth communities are following Alexandria's lead and investing in prevention. The Healthy Families Virginia network, serving families from 37 sites in 80 communities, has expanded 50% from June 1999. Fairfax County increased its investment in Healthy Families over 50 percent last year. As in Alexandria, the success of these local investments relies upon a partnership of increased state funding. However, state support has not increased in proportion to the growth of Healthy Families statewide, comprising less than 25% of funding throughout the state. While there have been incremental increases in General Assembly funds for Healthy Families in recent years, increases have primarily supported the growth of new programs and not proportionately benefited established Northern Virginia programs. The result has been a threat to ongoing program services.

Currently, Healthy Families Alexandria (HFA) provides comprehensive home visiting services to over 250 of the City's most vulnerable young families. Combined local investment comprises almost 45% of HFA's budget this year. State funding provides less than 20% and has not increased for the last two years despite increased local funding and increased services. As a result of this shortfall, HFA was forced to reduce staffing and services this year.

There is strong bipartisan support for Healthy Families statewide. A joint legislative task force will be seeking increased funding in the form of a budget amendment to meet the funding crisis this year. That task



force and Healthy Families Alexandria need the city's leadership and support championing the amendment among competing priorities this year.

In the Mayor's letter from the Youth Policy Commission to Governor Gilmore last year, he said, "We are confident that Healthy Families is an excellent use public funds. We know that every dollar we invest in Healthy Families today will save us more than two dollars in unneeded services for youth in the future. The program has consistently demonstrated impressive outcomes and has forged an effective partnership between public and private entities. Alexandria is a community where diversity is embraced and children are born healthy and grow up safe, well nurtured, well educated and prepared for life. As the City of Alexandria continues to support Healthy Families, we urge your continued support and advocate for continued and increased funding of Healthy Families on all levels".

We appreciate Council's support of this issue. The success of this public/private effort depends on a stable, adequate state partner.

Sincerely,



Mary Agee
Executive Director
Northern Virginia Family Service



Alexandria Commission on Persons with Disabilities

Voice 838-0710

Administration Unit No. 1
2525 Mt. Vernon Avenue
Alexandria, Virginia 22301

TDD 836-1493

November 18, 2000

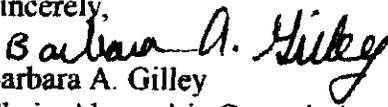
The Honorable Mayor and
Members of City Council
City Hall, 301 King Street
Alexandria, Virginia 22314

Dear Mayor and Members of Council:

The Northern Virginia Disability Network has developed its 2001 legislative platform for the Virginia General Assembly. The platform addresses three areas: (1) funding for Disability Services Boards; (2) housing initiatives to address the need for affordable, barrier-free housing by people with disabilities; and, (3) initiatives to enhance long-term community-based services and supports for people with disabilities.

The Alexandria Commission on Persons With Disabilities does not expect the City Council to adopt this platform. Rather, we request that City Council endorse the platform to enable Commission members to actively participate in the legislative process in support of the platform.

Sincerely,


Barbara A. Gilley
Chair, Alexandria Commission
on Persons With Disabilities

Enclosure

NORTHERN VIRGINIA DISABILITY NETWORK LEGISLATIVE PLATFORM - 2001

I. DISABILITY SERVICES BOARD FUNDING

In 1992, the Virginia General Assembly established Disability Services Boards (DSBs) to provide a framework for a consumer-focused, community-based program and service delivery system. Provisions were enacted for the State Rehabilitative Services Incentive Fund (RSIF) and for local rehabilitative services incentive funds. Since that time, 41 DSBs have been established throughout Virginia.

The DSB program has received two General Funds appropriations for administrative expenses and three General Funds appropriations for the RSIF. In FY 1993, \$100,000 was appropriated for administrative expenses such as travel, accommodations and DSB mailings. In FY 2000, a second appropriation of \$450,000 was added to help fund professional staff for the DSBs. The first appropriation of General Funds to the RSIF began in FY 1996 in the amount of \$500,000. In FY 1998, \$250,000 was appropriated and in FY 1999, \$162,000 was added. The total appropriation of \$912,000 is less than one-third of the \$3,000,000 originally requested in FY 1992.

Limited funding for DSB professional staff, administrative expenses and RSIF projects continues to hamper the effectiveness of these bodies in carrying out their mandated responsibilities. A recent consumer satisfaction survey conducted by DRS revealed that few consumers (19%) were aware of the existence of DSBs in their communities. Of those who were familiar with the DSB program, the majority felt that DSBs had increased resources in their communities and had increased awareness of the needs of people with disabilities. But many were concerned that too little was being done to meet the critical needs of local communities and little was known about the role and activities of local DSBs.

Recommendation 1: Increase appropriations to DSBs for administrative expenses by \$450,000 to help fund professional staff for DSBs.

Recommendation 2: Increase appropriations to the RSIF by \$300,000.

II. HOUSING

The rapidly decreasing supply of affordable housing is a barrier confronting all Virginians with low incomes. However, people of all ages with disabilities face an added major barrier - a severe shortage of affordable barrier-free and accessible rental and sales units. Aggressive action is needed to address the documented substantial level of unmet need and to plan for the future as the population of people with disabilities continues to steadily increase.

Recommendation 1. Support establishment of an Ongoing Interagency Council to Develop and Coordinate Housing Initiatives for People With Physical and Sensory Disabilities as recommended in Senate Document No. 12 “Study of Funding for Housing Serving People With Disabilities”.

Recommendation 2. Request that VHDA and DHCD jointly study and report on the number of barrier-free rental housing units in Virginia and establish a Statewide Registry of barrier-free units to assist consumers in their quest for adequate housing.

III. LONG-TERM COMMUNITY-BASED SERVICES AND SUPPORTS

People with disabilities of all ages overwhelmingly prefer to receive services and supports in their own homes and communities. With the availability of individualized, appropriate community services and supports, people with disabilities can remain independent, live in their own homes, participate in and contribute to their communities and avoid institutionalization. While the current system of community services has made it possible for thousands of Virginians with disabilities to receive the supports they need to remain independent, many more continue to wait for services because of the lack of adequate public funding. This places many individuals at risk of or results in unnecessary and avoidable institutionalization and re-institutionalization.

Recommendation 1. Increase funding to provide greater access to and availability of long-term services and supports.

Recommendation 2. Strengthen requirements for DHS to develop a long-term care plan which identifies current capacity, waiting lists, estimated unmet need, and projected future need for long-term services. The plan should address all programs which provide long-term services or supports regardless of eligibility requirements based on age, diagnosis, or income and should report availability of services and unmet need on a geographic basis. The plan should make recommendations for addressing unmet need, improving access to services, and ensuring consumer choice and control in the selection and delivery of services and supports; require regular updates of the plan and a mechanism for public review and comment; and require submission of the plan to the governor and legislative leadership.

Attachment 6

MIME:natalecitycouncil@yahoo.com

11/06/00 08:48 PM

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Subject: Sale of Historic Properties/Letter to the Editor

Folks -- I thought I'd share this letter to the editor on the City's legislative package for the General Assembly. There's a suggestion regarding notification prior to the sale of a historic property like the Lee boyhood home. I believe the public hearing is 11/18. I hope all is well with you all --

Matthew Natale

To the Editor:

From Olde Towne to Parkfairfax to numerous other sites, Alexandrians take seriously their role as guardians of our historic city. That's why the "secret sale" of the Lee Boyhood home devastated citizens last spring. Now, seven months later, City Council has scheduled a public hearing on its legislative package (proposals) for the General Assembly on November 18. In response to the "secret sale," Mayor Donley has proposed requiring non-profit owners selling a historic property to give a 90-day notice to the local governing body, planning commission and the state Department of Historic Resources.

Unfortunately, this proposal is more style than substance. A 90-day notification requirement is an inadequate amount of time for citizens to educate, organize and lobbying for or against any particular sale. Instead, the proposal should be amended to require at least 120 days notice.

Furthermore, any proposal is a "toothless tiger" without an ironclad open meeting requirement. Thus, the proposal should be amended to require a public hearing no earlier than 21 days after initial notification and no later than 90 days before any sale. With notice given at 120 days, citizens will then have 21 days to organize for a public hearing and an additional 90 days to take whatever actions they deem appropriate.

Either we do it right or not at all. These changes empower citizens and give them a real voice when a cherished historic property is being sold. I urge City Council to make these amendments.

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Attachment 7

CITY OF ALEXANDRIA 2001 LEGISLATIVE PACKAGE PROPOSALS – November 20, 2000

ISSUE	PROPOSED ACTION
1. Notification Prior to the Sale of Historic Properties	PROPOSE LEGISLATION
2. Transportation Funding (Regional Position)	SUPPORT LEGISLATION
3. Education Funding (Regional Position)	SUPPORT LEGISLATION
4. Revenue Sharing	SUPPORT LEGISLATION
5. Tax Credits for Student Technology Interns	SUPPORT LEGISLATION
6. Red Light Cameras	SUPPORT LEGISLATION
7. Housing Assistance for Teachers and Other Public Employees	PROPOSE STUDY
8. Immunity for Parents Who Take Babies to a Safe Haven	PROPOSE LEGISLATION
9. Open Space Funding	PROPOSE/SUPPORT LEGISLATION
10. Blighted Properties	PROPOSE LEGISLATION
11. Grant for Lloyd House	PROPOSE BUDGET AMENDMENT
12. Support for Guardianship Funding	PROPOSE BUDGET AMENDMENT
13. Service of a Protective Order by Mail; Sunset for a Preliminary Protective Order	PROPOSE STUDY
14. Felony for a Protective Order Violation (3 rd Offense)	PROPOSE LEGISLATION
15. Civil Immunity for Peer Review/Privileged Communications (CSB)	PROPOSE LEGISLATION
16. Authorization to Support Va CSB Positions on State Funding (CSB)	SUPPORT BUDGET AMENDMENT
17. Issues Endorsed by the Northern Virginia Aging Network (Commission on Aging)	SUPPORT LEGISLATION
18. Refundable EITC (Economic Opportunities Commission & Social Services Advisory Board)	PROPOSE LEGISLATION
19. Extend TANF Transitional Benefits (Economic Opportunities Comm. & Social Services Advisory Bd.)	SUPPORT LEGISLATION OR BUDGET AMENDMENT
20. Hate Crimes Legislation (Human Rights Commission)	PROPOSE LEGISLATION
21. VHDA Loan Restrictions (Human Rights Commission)	PROPOSE LEGISLATION
22. Restoration of Voting Rights for Felons (Human Rights Commission)	SUPPORT LEGISLATION
23. Funding for the Virginia Housing Partnership (Constitutional Amendment)	SUPPORT LEGISLATION
24. Use of TANF/MOE Funds for Rental Assistance	SUPPORT BUDGET AMENDMENT
25. Funding for Healthy Families	SUPPORT BUDGET AMENDMENT
26. Issues Endorsed by the Northern Virginia Disability Network (Commission on Persons with Disabilities)	SUPPORT LEGISLATION